

ATTACHMENT K

Deposition of Keith Bartlett

U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

* * * * *

LISA LAMBERT,

Plaintiff

vs

SUPERINTENDENT

WILLIAM WOLFE, et.al.,

Defendants

*

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* NO.:

* C.A. 96-247-ERIE

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DEPOSITION OF
KEITH R. BARTLETT
JUNE 9, 1998

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| <p>1 DEPOSITION</p> <p>2 OF</p> <p>3 KEITH R. BARTLETT taken on behalf of the</p> <p>4 Plaintiff herein, pursuant to the Rules</p> <p>5 of Civil Procedure, taken before me, the</p> <p>6 undersigned, Shannon C. Hagerty, a Court</p> <p>7 Reporter and Notary Public in and for the</p> <p>8 Commonwealth of Pennsylvania, at</p> <p>9 Commonwealth of Pennsylvania Department</p> <p>10 of Corrections, SCI-Cambridge Springs,</p> <p>11 Cambridge Springs, Pennsylvania, on</p> <p>12 Tuesday, June 9, 1998, at 9:36 a.m.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS: Keith R. Bartlett</p> <p>4 DIRECT EXAMINATION</p> <p>5 By Attorney Krakoff 11 - 163</p> <p>6 CERTIFICATE 164</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
| Page 3 | Page 5 |
| <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ANGUS R. LOVE, ESQUIRE</p> <p>4 924 Cherry Street</p> <p>5 Suite 523</p> <p>6 Philadelphia, PA 19107</p> <p>7 COUNSEL FOR PLAINTIFF</p> <p>8</p> <p>9 JERE KRAKOFF, ESQUIRE</p> <p>10 1705 Allegheny Building</p> <p>11 Pittsburgh, PA 15219</p> <p>12 COUNSEL FOR PLAINTIFF</p> <p>13</p> <p>14 THOMAS HALLORAN, ESQUIRE</p> <p>15 Sr. Deputy Attorney General</p> <p>16 Litigation Section</p> <p>17 6th Floor - Manor Company</p> <p>18 564 Forbes Avenue</p> <p>19 Pittsburgh, PA 15219</p> <p>20 COUNSEL FOR DEFENDANTS</p> <p>21</p> <p>22 ALSO PRESENT: Deputy Victoria L. Kormanik</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 E X H I B I T P A G E</p> <p>2</p> <p>3 PAGE</p> <p>4 NUMBER DESCRIPTION IDENTIFIED</p> <p>5 NONE MARKED</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |

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| <p style="text-align: right;">Page 6</p> <p>1 OBJECTION PAGE</p> <p>2</p> <p>3 ATTORNEY PAGE</p> <p>4 Halloran 24, 38, 61, 75, 78,</p> <p>5 79, 90, 94, 97, 107,</p> <p>6 109, 120, 121, 129,</p> <p>7 130, 144, 147, 149,</p> <p>8 159</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">Page 8</p> <p>1 Lambert versus Wolfe. As you may</p> <p>2 recall, there had been an order</p> <p>3 of court which stayed discovery</p> <p>4 in the Vasquez case. And the</p> <p>5 Phillips versus Wolfe had not</p> <p>6 been filed yet, as Civil Action</p> <p>7 98-59, Vasquez is 96-429 and</p> <p>8 Lambert is 96-247.</p> <p>9 What I'd like to clarify</p> <p>10 at this point, Mr. Halloran, is</p> <p>11 that I'm going to be examining</p> <p>12 the two witnesses today and the</p> <p>13 witnesses tomorrow within the</p> <p>14 frame work of the three cases.</p> <p>15 It seems to me that we don't know</p> <p>16 how these cases are going to be</p> <p>17 tried, whether there is going to</p> <p>18 be a consolidated trial or not.</p> <p>19 Obviously, we haven't even</p> <p>20 discussed that and certainly the</p> <p>21 court hasn't made a decision</p> <p>22 because it's not been proposed.</p> <p>23 But it seems to me that</p> <p>24 logistically, the best course is</p> <p>25 for us to take these depositions</p> |
| <p style="text-align: right;">Page 7</p> <p>1 P R O C E E D I N G S</p> <p>2 -----</p> <p>3 KEITH R. BARTLETT, HAVING FIRST BEEN DULY</p> <p>4 SWORN, TESTIFIED AS FOLLOWS:</p> <p>5 -----</p> <p>6 ATTORNEY KRAKOFF:</p> <p>7 Before I begin the</p> <p>8 examination of Lieutenant</p> <p>9 Bartlett I'd like to note that we</p> <p>10 have two volumes of deposition</p> <p>11 exhibits. Many of which I'm</p> <p>12 going to question the Lieutenant</p> <p>13 and later Captain Lazenby about.</p> <p>14 Virtually all of these documents</p> <p>15 have been obtained in the course</p> <p>16 of pre-trial discovery, in</p> <p>17 response to the Request for</p> <p>18 Production of Documents.</p> <p>19 The first set of</p> <p>20 depositions that we took was</p> <p>21 ironically approximately a year</p> <p>22 ago, a little bit more than a</p> <p>23 year ago in June of 1997. At</p> <p>24 that point, the depositions were</p> <p>25 taken within the frame work of</p> | <p style="text-align: right;">Page 9</p> <p>1 within the frame work of the</p> <p>2 three cases you obviously are</p> <p>3 reserving your objections on</p> <p>4 relevance and other grounds,</p> <p>5 except to as to the form of the</p> <p>6 question. In these depositions,</p> <p>7 and certainly some questions that</p> <p>8 I ask today may or may not have</p> <p>9 relevance to all three cases.</p> <p>10 And I understand that. Does that</p> <p>11 meet with your approval?</p> <p>12 ATTORNEY HALLORAN:</p> <p>13 We're not waiving ---</p> <p>14 we're not taking any position at</p> <p>15 this point on whether the cases</p> <p>16 should be consolidated. And if</p> <p>17 you choose to proceed in this</p> <p>18 manner, it will be your</p> <p>19 obligation, should the cases not</p> <p>20 be consolidated to be able to</p> <p>21 sever the document to make it</p> <p>22 relevant to whatever it's used</p> <p>23 in. And with that understanding,</p> <p>24 I have no objection to the</p> <p>25 questions on all three cases.</p> |

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| <p style="text-align: right;">Page 10</p> <p>1 ATTORNEY KRAKOFF: 2 Otherwise, we're looking 3 at a title page perhaps, separate 4 title page for all three and then 5 replicating the deposition 6 transcripts which can be an 7 expense. And certainly not an 8 efficient way to proceed. 9 ATTORNEY HALLORAN: 10 In light of that, it 11 might be more efficient to at 12 least carve the questions with 13 regard to each case, as much as 14 possible. 15 ATTORNEY KRAKOFF: 16 Obviously, it's our 17 position that a lot of the 18 historical questions about 19 investigations of other 20 allegations of sexual abuse or 21 sexual exploitation may be 22 relevant to all three cases. 23 Obviously, that's something 24 that's going to be decided down 25 the road.</p> | <p style="text-align: right;">Page 12</p> <p>1 Q. When you came, what was your job 2 position? 3 A. I was a lieutenant. 4 Q. Did you have a specific area of 5 responsibility as a lieutenant? 6 A. Many areas of responsibility, 7 when we first opened up. I was shift 8 commander, as well as emergency 9 preparedness coordinator, the security 10 lieutenant and any other little odds. 11 These were all jobs that we all had to do 12 to get the place opened. 13 Q. Were you here before inmates 14 actually ---? 15 A. No, there was already somewhere 16 between 50 and 70 inmates. 17 ATTORNEY KRAKOFF: 18 I think what he probably 19 told you was to wait for me to 20 finish the question. That's hard 21 to do sometimes. 22 BY ATTORNEY KRAKOFF: 23 Q. Did the inmates come in stages? 24 A. Yes, sir. 25 Q. Eventually, the Zenith was</p> |
| <p style="text-align: right;">Page 11</p> <p>1 DIRECT EXAMINATION 2 BY ATTORNEY KRAKOFF: 3 Q. You're Lieutenant Bartlett? 4 A. Yes, sir. 5 Q. What is your full name, sir? 6 A. Keith Richard Bartlett. 7 Q. How old are you? 8 A. Forty-two (42). 9 Q. Where are you now employed? 10 A. SCI-Albion. 11 Q. And at one point you were 12 employed at SCI-Cambridge Springs; is 13 that correct? 14 A. Yes, sir. 15 Q. By the way, when I --- in the 16 future I'm probably not going to say SCI- 17 Cambridge Springs. I'm going to refer to 18 it as simply as Cambridge Springs, so 19 that you understand. 20 When did you begin working at 21 Cambridge Springs and when did you last 22 work at Cambridge Springs? 23 A. I came to Cambridge Springs the 24 first week of May 1992, and I was here 25 until the last week of July 1997.</p> | <p style="text-align: right;">Page 13</p> <p>1 reached. The maximum population in the 2 prison? The high point was reached? 3 A. Yeah, I would say better what 4 would be a high point. I don't think we 5 ever really got to our maximum because of 6 different phases of construction. 7 Q. What was the high point and when 8 was that high point reached? 9 A. I really can't recall, sir. 10 Q. Was it in excess of 500 inmates? 11 A. Yeah, I do believe we did go over 12 500 to a point. 13 Q. Now, at some point you became a 14 captain; is that correct? 15 A. Yes, sir. 16 Q. And that's why you were at 17 Cambridge Springs? 18 A. Yes, sir. 19 Q. And what was --- you were the 20 captain of intelligence; is that correct 21 or the intelligence captain, at some 22 point? 23 A. Yeah, when I first was promoted 24 to captain, I was the intelligence 25 captain.</p> |

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1 Q. And when did you become the
2 intelligence captain?
3 A. That would have been December of
4 '93.
5 Q. How long did you hold that
6 position?
7 A. Until approximately March of '95.
8 Q. Without going into detail because
9 we're going to touch upon that later,
10 what happened in March of 1995?
11 A. My duties were changed from
12 intelligence captain to captain of the
13 guard.
14 Q. Were you told why you were being
15 relieved of your --- I shouldn't use the
16 word relieved, that has a charge. Were
17 you told why your position was being
18 changed from intelligence captain to
19 captain of the guard?
20 A. No, sir.
21 Q. Did you draw any inferences or
22 reach any conclusions as to why the
23 change was made in your position?
24 A. No, sir.
25 Q. And you eventually left Cambridge

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1 Springs and went to Albion in 1997;
2 correct?
3 A. Yes, sir.
4 Q. What was your position when you
5 left Cambridge Springs, what was your
6 rank?
7 A. Lieutenant.
8 Q. And that had been the result of
9 some disciplinary action that had been
10 taken against you; is that correct?
11 A. Yes, sir.
12 Q. Now, when you were working as the
13 intelligence captain, were there any
14 other officers who were assigned to work
15 on intelligence matters on more or less a
16 permanent basis? Did you have other
17 officers who were on some sort of an
18 intelligent staff?
19 A. I wouldn't say they were on
20 staff. There was other staff that used
21 to assist me.
22 Q. Who were the officers who you
23 used to assist you generally?
24 A. Usually Lieutenant Scott or
25 Lieutenant Beck.

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1 Q. And did you begin using both
2 Lieutenant Scott and Lieutenant Beck back
3 in December of 1993, when you became the
4 intelligence captain?
5 A. Actually sir, I used them prior
6 to that because I was in the capacity ---
7 I was a lieutenant prior to that and I
8 was doing the intelligence job as a
9 lieutenant.
10 Q. Was there a captain over you who
11 was functioning as an intelligence
12 captain?
13 A. Not at that point, no sir.
14 Q. So while you were a lieutenant
15 before you became the intelligence
16 captain, you were essentially the highest
17 ranking officer responsible for
18 intelligence in the institution?
19 A. Actually, that would be the
20 superintendent. He would delegate to me
21 and as far as actually ---.
22 Q. What I was referring to Officer
23 --- I wasn't clear enough perhaps. What
24 I meant was, I was distinguishing that
25 from administrative staff. Uniformed

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1 officer. You were the highest rank ---
2 A. Yes.
3 Q. --- uniform officer responsible
4 for intelligence matters?
5 A. Yes.
6 Q. And when did you become
7 functioning as the lieutenant in the area
8 of intelligence?
9 A. Pretty much from when I first
10 came here, sir.
11 Q. In the Spring of 1992?
12 A. Uh-huh (yes).
13 Q. Where have you worked before
14 coming to Cambridge Springs, anywhere
15 within ---?
16 A. Yeah, the State Regional
17 Correctional Facility at Mercer and prior
18 to that SCI-Camp Hill.
19 Q. Had your responsibilities at
20 either of those institutions concerned
21 intelligent matters?
22 A. No, sir.
23 Q. What training did you receive, if
24 any, prior to assuming your duties first
25 as a lieutenant responsible for

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| <p style="text-align: right;">Page 18</p> <p>1 intelligence and then the intelligence 2 captain; did you receive any training? 3 A. Prior to assuming those duties? 4 Q. That's right. 5 A. None. 6 Q. After assuming the duty --- your 7 duties as lieutenant responsible for 8 intelligence, did you receive any 9 training? 10 A. I can't recall the exact date, 11 when I went to the training. I can't 12 recall if I was already a captain or if 13 it was while a was lieutenant, I did go 14 to some training, at some point. 15 Q. So I take it that might have been 16 in the latter part of the time that you 17 were a lieutenant or at the early stages, 18 when you became captain? 19 A. Yes, sir. 20 Q. And what did that training 21 consist of? Where did you have it? 22 A. There was various training. 23 There was interviewing and interrogation 24 techniques. Crime scene investigations. 25 There was varied things that was usually</p> | <p style="text-align: right;">Page 20</p> <p>1 or so later, where they developed that we 2 went into a full course, which was I 3 believe three or four days, at that 4 point. It's hard to put everything 5 together into exactly how many hours. 6 Q. So you received four or five days 7 worth of training in interview 8 techniques? 9 A. Yes, sir. 10 Q. What other training did you 11 receive? You said something about crime 12 scene. 13 A. There was crime scene 14 investigations, yes. 15 Q. How many hours of that? 16 A. I can't recall. 17 Q. Was it a day? 18 A. It was at least a day. That was 19 when we were at Somerset. There was 20 fingerprinting and crime scene 21 investigation. 22 Q. Didn't any other areas of 23 training come to mind, that you received? 24 And I'm not limiting that to when you 25 first assumed the duties.</p> |
| <p style="text-align: right;">Page 19</p> <p>1 either down at the training academy in 2 Elizabethtown. Sometimes it was at 3 different institutions. I can recall 4 going to SCI-Somerset, where we met at a 5 conference room at a motel, outside of 6 --- I can't think of the name of the 7 town, now. Down in the general 8 Harrisburg area. Camp Hill area, but it 9 was ---. 10 Q. Some other town? 11 A. Yeah, some other town. I can't 12 remember the name of the town, now. But 13 there was a hotel conference room we 14 utilized. 15 Q. If you put all of your hours of 16 training together in eight hour segments, 17 calling that a day. If you put all those 18 together, how many days of training did 19 you receive when you first --- by the 20 time --- in your early stages of you 21 being the captain? 22 A. It's hard to say. We had one 23 class on the interviewing interrogation 24 techniques, which was not even quite a 25 full eight hours. And then it was a year</p> | <p style="text-align: right;">Page 21</p> <p>1 A. I'm trying to remember off the 2 top of my head because there was so much 3 that we --- I remember we had to enter an 4 agency training down at the academy where 5 we had other law enforcement agencies 6 there as well. 7 Q. Yes. 8 A. There was a cadria (phonetic) of 9 different things there and I, you know, 10 can't recall all of it. 11 Q. Did you feel comfortable that you 12 were equipped to adequately conduct 13 intelligence interviews? 14 A. Yes, sir. 15 Q. Now, what are your respons --- 16 what were your responsibilities as the 17 intelligence captain and I'm including in 18 at the time period that you were the 19 intelligence lieutenant; what were your 20 responsibilities? 21 A. To conduct any internal 22 investigations assigned to me the 23 superintendent. To oversee and direct 24 the searches of the entire institution. 25 To maintain the random urine screen</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 testing procedures. Direct the search 2 team. I'm sure there's more duties than 3 that involved but those are the main 4 ones. 5 Q. Prime duties. Were they the 6 primary duties? 7 A. Yes. 8 Q. And the first on the list that 9 you mentioned was conducting any 10 investigations assigned by the 11 superintendent. Did anybody else either 12 at the institutional level, meaning 13 Cambridge Springs or at the central 14 office level, and by that I mean, the 15 commissioner's office or the office of 16 special investigations. Did anybody else 17 have the authority to assign 18 investigation for you to conduct? 19 A. You mean in absence of the 20 superintendent, Deputy Kormanik would 21 have that capacity. 22 Q. Where did most of the orders to 23 conduct an investigation occur from on 24 the institutional level? 25 A. From the superintendent.</p> | <p style="text-align: right;">Page 24</p> <p>1 A. I can't recall if I was ordered 2 directly at their order or not, sir. 3 Q. Now, did your responsibilities in 4 the context of investigations, include 5 the investigation of possible misconduct 6 on the part of prison personnel, in their 7 dealings with Cambridge Springs inmates? 8 A. Most definitely, yes. 9 Q. And did the training that you 10 referred to previously, to any extent, 11 address the issue of investigating 12 possible misconduct by prison personnel 13 against inmates? 14 ATTORNEY HALLORAN: 15 I'm going to object to 16 that form of the question, as 17 being without foundation. Just 18 seems the training he already 19 received didn't include that. 20 ATTORNEY KRAKOFF: 21 Well, I'm asking him 22 whether it did. 23 BY ATTORNEY KRAKOFF: 24 Q. Let me draw distinctions, so that 25 you understand why I'm asking that</p> |
| <p style="text-align: right;">Page 23</p> <p>1 Q. Now, could you be ordered to 2 conduct an investigation by the 3 commissioner? 4 A. Through the superintendent, yes. 5 Q. So it would be through the chain 6 of command? 7 A. Yes, sir. 8 Q. And were there any occasions when 9 you were told by the superintendent that 10 this investigation was at the request or 11 the direction of the commissioner? 12 A. I can't recall the specifics. 13 Usually when we got orders from the 14 central office, it was through, at that 15 time it was called the Special 16 Investigations Office and now it's OPR. 17 Q. What does OPR stand for? 18 A. Office of Professional 19 Responsibility. They change the --- same 20 job different title. 21 Q. Were there occasions when you 22 were told by the superintendent that this 23 investigation that you were to conduct 24 was at the request or order of the office 25 of special investigation?</p> | <p style="text-align: right;">Page 25</p> <p>1 question. It seems to me the one area of 2 possible investigation would be 3 investigating inmate-on-inmate acts of 4 misconduct. Where one inmate does 5 something to another inmate would I be 6 fair in saying that? 7 A. Yes. 8 Q. I take it that in another area of 9 investigation might involve allegations 10 of an inmate engaging in misconduct 11 against a member of the staff. An 12 assault or threat or something of that 13 sort. Am I correct in that assumption? 14 A. Yes, sir. 15 Q. And then it seems to me the third 16 area of investigation might be a 17 situation where there are allegations or 18 suggestions or rumors, that a member of 19 the staff has engaged in some form of 20 misconduct against an inmate. Am I 21 correct on that score? 22 A. Yes, sir. 23 Q. And I take it that in your --- in 24 the course of your investigations that 25 you investigated at one time or another</p> |

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| <p style="text-align: right;">Page 26</p> <p>1 all three of those categories?</p> <p>2 A. Pretty much yes, sir.</p> <p>3 Q. And the question I'm going to ask</p> <p>4 you is did you receive training with</p> <p>5 respect the third category that I</p> <p>6 mentioned. The situation where there's</p> <p>7 an allegation or a suggestion that a</p> <p>8 member of the staff has engaged in</p> <p>9 misconduct against an inmate?</p> <p>10 A. Not specifically for that no,</p> <p>11 sir.</p> <p>12 Q. Now, as you may be aware from the</p> <p>13 complaints that were filed against you,</p> <p>14 you're a party to this lawsuit, you're</p> <p>15 aware of that?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And you're aware that there are</p> <p>18 actually three lawsuits involving this</p> <p>19 case. One brought by Lisa Lambert; is</p> <p>20 that correct?</p> <p>21 A. Yes.</p> <p>22 Q. One brought by Sylvia Vasquez?</p> <p>23 A. Yes.</p> <p>24 Q. And a third by --- are you aware</p> <p>25 of the lawsuit that was more recently</p> | <p style="text-align: right;">Page 28</p> <p>1 today is to try to reconstruct to the</p> <p>2 best of your memory, based upon what</p> <p>3 you've read, what you've heard, what</p> <p>4 you've observed, what you've been told by</p> <p>5 members of the staff or inmates. Try to</p> <p>6 reconstruct situations where there had</p> <p>7 been allegations of sexual abuse or</p> <p>8 sexual exploitation against not only the</p> <p>9 named Plaintiffs, the three women that</p> <p>10 have brought suit. I'm trying to get a</p> <p>11 complete picture of what you know about</p> <p>12 allegations involving other inmates and</p> <p>13 other prison personnel. We know that ---</p> <p>14 you know that Eicher, is one of the</p> <p>15 officers is alleged to have abused Lisa</p> <p>16 Lambert; aren't you?</p> <p>17 A. Yes.</p> <p>18 Q. And you're also aware that Martin</p> <p>19 Miller is alleged to have sexually abused</p> <p>20 Sylvia Vasquez?</p> <p>21 A. Yes.</p> <p>22 Q. What I want to do is go beyond</p> <p>23 Martin Miller. Go beyond Mr. Eicher and</p> <p>24 find out as much as possible from you,</p> <p>25 since you were an intelligence officer</p> |
| <p style="text-align: right;">Page 27</p> <p>1 brought by Robin Phillips?</p> <p>2 A. Not until today, sir.</p> <p>3 Q. Now, you're aware that those</p> <p>4 complaints alleged that prison personnel</p> <p>5 sexually --- these are the allegations.</p> <p>6 That the allegations in the complaints</p> <p>7 that you have seen. The Lambert and the</p> <p>8 Vasquez alleged that prison personnel</p> <p>9 sexually exploited and abused those</p> <p>10 inmates on the grounds of the prison.</p> <p>11 Are you aware of that fact?</p> <p>12 A. Could you repeat that, sir?</p> <p>13 Q. Are you aware that the complaints</p> <p>14 --- you know what a complaint is?</p> <p>15 A. Yes.</p> <p>16 Q. Filed with the court alleged that</p> <p>17 specific prison personnel sexually</p> <p>18 exploited and abused Vasquez and Lambert.</p> <p>19 They're alleging that aren't they?</p> <p>20 A. Yes.</p> <p>21 Q. Now, the primary focus of my</p> <p>22 examination of you today, and by the way</p> <p>23 there is no allegation that you sexually</p> <p>24 abused any of the prisoners involved in</p> <p>25 these lawsuits. But what I want to do</p> | <p style="text-align: right;">Page 29</p> <p>1 here for a long time.</p> <p>2 Now, just so that you know what I</p> <p>3 mean because I've used the expression</p> <p>4 sexual abuse, sexual exploitation. Those</p> <p>5 words may mean different things to</p> <p>6 different people. So that you're clear</p> <p>7 of what I mean when I use those words,</p> <p>8 I'm going to define those terms for you.</p> <p>9 And if you forget what those terms mean,</p> <p>10 just ask me and I'll repeat it or if you</p> <p>11 don't understand it the first time I give</p> <p>12 you the definition; is that understood?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Here's what I mean by sexual</p> <p>15 abuse or exploitation. It encompasses</p> <p>16 such activities as the touching of</p> <p>17 breasts, buttocks, legs and other private</p> <p>18 parts. The kissing, caressing or</p> <p>19 fondling of inmates by members of the</p> <p>20 staff and attempts by prison personnel to</p> <p>21 force or encourage inmates to engage in</p> <p>22 sexual acts, either by words, threats or</p> <p>23 physical force. You understand that?</p> <p>24 A. Uh-huh (yes).</p> <p>25 Q. You have to say yes or no.</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 A. Yes. Sorry.</p> <p>2 Q. Now, I assume and I would like</p> <p>3 for you to correct me if I'm mistaken.</p> <p>4 Since you're no longer employed at</p> <p>5 Cambridge Springs, that you haven't</p> <p>6 brought any investigative files or other</p> <p>7 documents that were generated here at</p> <p>8 Cambridge Springs with you today; is that</p> <p>9 correct?</p> <p>10 A. That is correct.</p> <p>11 Q. Have you reviewed any</p> <p>12 investigative files or other documents to</p> <p>13 assist you in the preparation of this</p> <p>14 deposition today?</p> <p>15 A. Yes, I have.</p> <p>16 Q. What documents or files did you</p> <p>17 review?</p> <p>18 A. There's a time line on the Lisa</p> <p>19 Lambert investigation and my initial</p> <p>20 investigation on her and Officer Eicher.</p> <p>21 Q. Any other documents?</p> <p>22 A. Not that I can recall, no.</p> <p>23 Q. Have you read any portions of the</p> <p>24 transcripts --- that of the depositions</p> <p>25 that I took last year? I believe that</p> | <p style="text-align: right;">Page 32</p> <p>1 A. I'm not sure I quite fully</p> <p>2 understand you. Do you want me to</p> <p>3 differentiate between institutional</p> <p>4 investigation and central office</p> <p>5 investigation?</p> <p>6 Q. Yes, I was going to get to that</p> <p>7 next. But my first question was, do you</p> <p>8 know who decides yes, this will be</p> <p>9 conducted strictly or solely by</p> <p>10 institutional staff or no, I want this to</p> <p>11 be conducted by the Office of Special</p> <p>12 Investigation?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And who makes that decision?</p> <p>15 A. Between the superintendent and</p> <p>16 the commissioner and the director of OPR.</p> <p>17 Q. Which used to be the Office of</p> <p>18 Special Investigation?</p> <p>19 A. Right.</p> <p>20 Q. Now, during --- as a result of</p> <p>21 your experiences as the intelligence</p> <p>22 captain at this institution, were you</p> <p>23 able to determine either a difference in</p> <p>24 techniques or a difference in</p> <p>25 thoroughness between investigations</p> |
| <p style="text-align: right;">Page 31</p> <p>1 you were present during most, if not all</p> <p>2 of the depositions of Superintendent</p> <p>3 Wolfe and Deputy Superintendent Kormanic.</p> <p>4 Have you reviewed any of those</p> <p>5 transcripts in preparation for the</p> <p>6 deposition today?</p> <p>7 A. No, sir I have not.</p> <p>8 Q. Now, is it accurate to say that</p> <p>9 investigations about alleged sexual abuse</p> <p>10 or exploitation by staff members against</p> <p>11 inmates can be conducted either on the</p> <p>12 institutional level by Cambridge Springs</p> <p>13 staff or by the central office or by a</p> <p>14 combination of central office and</p> <p>15 Cambridge Springs staff members; would</p> <p>16 that be accurate?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Now, do you know who makes the</p> <p>19 determination as to whether a particular</p> <p>20 investigation into allegations of sexual</p> <p>21 abuse or exploitation will occur at the</p> <p>22 --- will be conducted by members of the</p> <p>23 staff, by members of the central office</p> <p>24 with the Office of Special Investigation,</p> <p>25 do you know who makes that decision?</p> | <p style="text-align: right;">Page 33</p> <p>1 conducted on the institutional level,</p> <p>2 investigations conducted by the Office of</p> <p>3 Special Investigations?</p> <p>4 A. Speaking personally for myself?</p> <p>5 Q. Yes.</p> <p>6 A. Yes, because the investigators I</p> <p>7 worked with are highly trained</p> <p>8 professionals, that's what they strictly</p> <p>9 do for a living. And they know right</p> <p>10 away exactly how --- they're trained in</p> <p>11 different techniques. I only had so many</p> <p>12 days of training on that where they have</p> <p>13 continuous training. That's their area</p> <p>14 of expertise.</p> <p>15 Q. When you say they, you mean the</p> <p>16 Office of Special Investigation?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Now, was it your perception then</p> <p>19 that the thoroughness of the</p> <p>20 investigations conducted by the central</p> <p>21 office was greater as a rule than the</p> <p>22 thoroughness of investigations conducted</p> <p>23 on the institutional level? Because of</p> <p>24 the fact the people in the central office</p> <p>25 were trained and specialized in</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 investigations.</p> <p>2 A. I don't know if I want to go that</p> <p>3 far. I know investigations that we</p> <p>4 handled at a local level, I was as</p> <p>5 thorough as I could possibly be. And I</p> <p>6 felt that I did my job to the utmost of</p> <p>7 my ability.</p> <p>8 Q. Right.</p> <p>9 A. Where as investigations that were</p> <p>10 assigned to SIO or OPR, whatever you want</p> <p>11 to call it. They were done definitely</p> <p>12 more thoroughly than I could do. But the</p> <p>13 ones I did on my own, I did to the best</p> <p>14 of my capability.</p> <p>15 Q. Was there a difference that you</p> <p>16 were able to determine between the</p> <p>17 techniques that were utilized by you and</p> <p>18 members of the Cambridge Springs Security</p> <p>19 Staff and by members of the Office of</p> <p>20 Special Investigations? Differences in</p> <p>21 techniques I'm asking about.</p> <p>22 A. That would be hard for me to</p> <p>23 determine because when they did their</p> <p>24 interviewing nobody else was in the room.</p> <p>25 I might be out in the hallway or in</p> | <p style="text-align: right;">Page 36</p> <p>1 Cambridge Springs staff were assisting</p> <p>2 OSI in an investigation. Did I confuse</p> <p>3 you?</p> <p>4 A. Yes, you did.</p> <p>5 Q. You acknowledged earlier that</p> <p>6 some investigations of sexual abuse or</p> <p>7 exploitations were conducted exclusively</p> <p>8 only by the Office of Special</p> <p>9 Investigation staff; is that correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And then there were other</p> <p>12 investigations where you, meaning you and</p> <p>13 your local staff, lent assistance to the</p> <p>14 Office of Special Investigations; is that</p> <p>15 correct?</p> <p>16 A. Let me straighten that out.</p> <p>17 Q. Sure.</p> <p>18 A. Even in the ones where they ---</p> <p>19 whenever they're involved they are more</p> <p>20 or less exclusive --- I was more a less</p> <p>21 an assistant to them, in the fact, that</p> <p>22 if they needed records pulled, if they</p> <p>23 needed witnesses called over. I was</p> <p>24 there to direct. I was an institutional</p> <p>25 liaison for them. So even when they were</p> |
| <p style="text-align: right;">Page 35</p> <p>1 another office close by. But they didn't</p> <p>2 have us --- unless they needed something</p> <p>3 specific, we weren't in there.</p> <p>4 Q. Do you know why that was the</p> <p>5 case? Did anybody ever tell you?</p> <p>6 A. No.</p> <p>7 Q. Were you given notes of the</p> <p>8 interviews conducted by the Office of</p> <p>9 Special Investigation?</p> <p>10 A. No, sir.</p> <p>11 Q. So I take it that you didn't know</p> <p>12 what the --- what information they</p> <p>13 obtained in the course of an interview</p> <p>14 unless and until the Office of Special</p> <p>15 Investigation issued a report in</p> <p>16 conjunction with the investigation; is</p> <p>17 that fair to say?</p> <p>18 A. Yes, for the most part, yes.</p> <p>19 Q. Now, did that occur namely that</p> <p>20 you being outside of the interview room</p> <p>21 when OSI investigators were conducting</p> <p>22 investigations, did that occur not only</p> <p>23 when OCI was solely conducting an</p> <p>24 investigation, did that also occur when</p> <p>25 you were, meaning you and members of your</p> | <p style="text-align: right;">Page 37</p> <p>1 working strictly on their own, there was</p> <p>2 never a time when I was really working in</p> <p>3 the interrogation room with them or</p> <p>4 anything like that.</p> <p>5 Q. Or even outside the</p> <p>6 interrogation?</p> <p>7 A. Yeah, I was the institutional</p> <p>8 liaison, is the best way to say my</p> <p>9 position with them, when they were there.</p> <p>10 Q. Now, after becoming the security</p> <p>11 lieutenant, I take it that you had an</p> <p>12 occasion to participate in investigating</p> <p>13 alleged or possible sexual abuse or</p> <p>14 exploitation by an inmate on the part of</p> <p>15 the Cambridge Springs staff member; is</p> <p>16 that accurate?</p> <p>17 A. Yes.</p> <p>18 Q. And what I'd like you to do now</p> <p>19 is to sit, think as carefully as you can</p> <p>20 and identify for me, every investigation</p> <p>21 that you can recall involving allegations</p> <p>22 of possible sexual abuse or exploitation</p> <p>23 by Cambridge Spring staff member against</p> <p>24 a Cambridge Spring inmate. And when I</p> <p>25 say staff member, I'm including members</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 of the administration, I'm including 2 correctional officers. I'm also 3 including members of the maintenance 4 staff and the trade staff. You 5 understand? 6 A. Yes, sir. 7 Q. So very carefully and as 8 completely as possible, I'm not going to 9 ask you right off the bat the detail of 10 what those investigations, the specifics, 11 but I'd like you to identify each one you 12 can recall. 13 A. I would say --- 14 ATTORNEY HALLORAN: 15 Let me object to the form 16 of the question, to the extent 17 that obviously he may not recall 18 all the investigations. 19 ATTORNEY KRAKOFF: 20 I understand that. 21 A. I would say the Eicher, Lambert 22 investigation. Sargent Merry and the 23 inmate's last name was Maysonet. I can't 24 remember what her first name was. There 25 was two sisters and I can't remember</p> | <p style="text-align: right;">Page 40</p> <p>1 result of that were not investigated as 2 such. No investigation was open but you 3 were aware of some allegations or rumors 4 involving these people. But let's focus 5 on the first issue. Carl Zimmerman. Do 6 you recall who Carl Zimmerman was? 7 A. Yeah, yes, he was our facility 8 maintenance manager. 9 Q. And do you remember his being 10 investigated either at Cambridge Springs 11 or by the Office of Special 12 Investigation? 13 A. Yes, sir. 14 Q. Which --- where did the 15 investigation occur? 16 A. I believe that was done by 17 Special Investigations. 18 Q. Do you believe that there was a 19 document that was generated --- a report 20 that was generated on Mr. Zimmerman? 21 A. Yes, sir. 22 Q. Did you see such a report? 23 A. I probably did. I can't recall 24 all of it. I'm sure I did. 25 Q. I haven't received anything in</p> |
| <p style="text-align: right;">Page 39</p> <p>1 which one it was. The last name is 2 Maysonet. I'm at a blank on the other 3 ones. 4 Q. Okay. 5 A. I need something to refresh my 6 memory. 7 Q. Yes, let me give you some names. 8 First, we're going to --- I want to 9 explore with you every investigation of 10 allegations against these people that I 11 will identify them. Then I want --- and 12 by the way, let me broaden that somewhat 13 to include investigations that you're 14 aware of the Office of Special 15 Investigation conducting on these 16 individuals; okay? Not just you in other 17 words, because I originally asked you 18 about yourself. We're going to broaden 19 that a bit to include investigations that 20 were conducted by the Office of Special 21 Investigation. And then after we review 22 that, I'm going to --- because this is 23 part of discovery, I'm going to want to 24 extend it even further and ask you about 25 allegations that you became aware of as a</p> | <p style="text-align: right;">Page 41</p> <p>1 connection with Mr. Zimmerman. 2 ATTORNEY KRAKOFF: 3 And I'm going to ask you 4 Mr. Halloran, if you could follow 5 that up and get that to me, if 6 you can locate it. 7 BY ATTORNEY KRAKOFF: 8 Q. Do you recall that the 9 investigation of Carl Zimmerman involved 10 a woman by the name of Lisa Gunnarson or 11 a name like that? 12 A. Yes. 13 Q. And do you recall what Carl 14 Zimmerman, what his involvement or 15 relationship involved --- allegedly 16 involved with Lisa Gunnarson? 17 A. I can't recall all the specifics, 18 but vaguely. 19 Q. Tell me what you recall. 20 A. More his --- specifically wasn't 21 intimate I believe it was more of 22 hugging, kissing type of involvement. 23 Q. Fondling? 24 A. I was not --- if I remember 25 correctly, I was not directly involved</p> |

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| <p style="text-align: right;">Page 42</p> <p>1 with that investigation.</p> <p>2 Q. Do you know what --- whether Mr.</p> <p>3 Zimmerman was investigated for alleged</p> <p>4 sexual abuse or exploitation with any</p> <p>5 inmates, in addition to Lisa Gunnarson?</p> <p>6 A. I believe there were a couple of</p> <p>7 other inmates involved with that</p> <p>8 investigation.</p> <p>9 Q. You remember what their names</p> <p>10 were?</p> <p>11 A. Not off the top of my head, no.</p> <p>12 Q. What --- were they white or</p> <p>13 black; do you recall?</p> <p>14 A. I know Lisa Gunnarson was white.</p> <p>15 I can't --- I really can't recall, sir.</p> <p>16 Q. And do you know what became of</p> <p>17 Mr. Zimmerman?</p> <p>18 A. He resigned.</p> <p>19 Q. And do you recall approximately</p> <p>20 when that occurred?</p> <p>21 A. I can't remember the date on</p> <p>22 that. No, sir.</p> <p>23 Q. Well, was it during the early</p> <p>24 years that you were here, '92, '93, '94?</p> <p>25 A. It was somewhere around '94,</p> | <p style="text-align: right;">Page 44</p> <p>1 A. To me personally or as ---</p> <p>2 Q. No, to the staff?</p> <p>3 A. Not to the staff that I'm aware</p> <p>4 of, sir.</p> <p>5 Q. Do you know whether there is a</p> <p>6 policy one way or another. When I say</p> <p>7 is, I mean going back to the time you</p> <p>8 came here, to the time you left. Was</p> <p>9 there a policy or practice in connection</p> <p>10 with whether the administration would</p> <p>11 announce when a member of the staff was</p> <p>12 resigning in conjunction with allegations</p> <p>13 of sexual abuse or exploitation of</p> <p>14 inmates?</p> <p>15 A. Not that I'm aware of, sir.</p> <p>16 Q. You're not aware of a policy one</p> <p>17 way or another?</p> <p>18 A. No, sir.</p> <p>19 Q. Or a practice one way or the</p> <p>20 other?</p> <p>21 A. No, sir.</p> <p>22 Q. Can you ever recall a situation</p> <p>23 where a member of the staff either</p> <p>24 resigned or was fired in connection with</p> <p>25 allegations of sexual abuse or sexual</p> |
| <p style="text-align: right;">Page 43</p> <p>1 somewhere around in there.</p> <p>2 Q. Was it before the Lisa</p> <p>3 Lambert/Eicher investigation was</p> <p>4 launched?</p> <p>5 A. I can't really recall, sir. I</p> <p>6 can't remember if they coincided or if</p> <p>7 they were separate. If --- I can't</p> <p>8 remember the time frame on that. I know</p> <p>9 the Lisa/Eicher one was early on and it</p> <p>10 started somewhere in '93, somewhere</p> <p>11 around in there.</p> <p>12 Q. Now, do you recall whether any</p> <p>13 announcement was made in conjunction with</p> <p>14 Zimmerman's resignation, an announcement</p> <p>15 made to the staff as to the general</p> <p>16 circumstances that led to his</p> <p>17 resignation?</p> <p>18 A. I can't recall that. No, sir.</p> <p>19 Q. You can't recall an announcement</p> <p>20 from Superintendent Wolfe or others at</p> <p>21 the prison or the central office saying</p> <p>22 in effect that Mr. Zimmerman had resigned</p> <p>23 as a result of allegations that he had</p> <p>24 been involved with members of the inmate</p> <p>25 community; is that right?</p> | <p style="text-align: right;">Page 45</p> <p>1 exploitation of inmates and it was</p> <p>2 explicitly announced to members of the</p> <p>3 staff this is why this is occurring? We</p> <p>4 won't tolerate abuse or words to that</p> <p>5 effect.</p> <p>6 A. Yes, I can't remember the</p> <p>7 specifics. But I --- from my</p> <p>8 recollection I don't believe we named</p> <p>9 names.</p> <p>10 Q. Uh-huh (yes).</p> <p>11 A. Because I don't believe that</p> <p>12 would be appropriate. But in trying to</p> <p>13 get things in order, we were definitely</p> <p>14 highlighting that type of behavior in</p> <p>15 letting staff know that this was not</p> <p>16 appropriate. I know there was memos</p> <p>17 generated and to let staff know, and I</p> <p>18 know it's part of our security</p> <p>19 orientation, when new staff were hired to</p> <p>20 be very specific with them.</p> <p>21 Q. Now, who generated these ---</p> <p>22 ATTORNEY HALLORAN:</p> <p>23 Let him finish his</p> <p>24 answer.</p> <p>25 ATTORNEY KRAKOFF:</p> |

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1 Oh, I thought he had.
 2 I'm sorry.
 3 A. Yeah, I'm done.
 4 BY ATTORNEY KRAKOFF:
 5 Q. Do you recall who under who's
 6 name the memos were issued?
 7 A. I believe either Deputy Kormanic
 8 or the superintendent.
 9 Q. Did those memos say the
 10 administration wouldn't tolerate acts of
 11 sexual abuse or exploitation or did they
 12 also say that sexual abuse and
 13 exploitation was occurring at the prison?
 14 A. My recollection was it would not
 15 be tolerated. I don't believe it went
 16 into specifics that it was already
 17 occurring at the institution. But it was
 18 pretty much known by the staff.
 19 Q. Do you recall an investigation
 20 associated with Paul Walton?
 21 A. Yes, sir.
 22 Q. And that involved an inmate by
 23 the name of Emma Gleckal (phonetic); is
 24 that correct?
 25 A. Yes, sir.

1 that correct?
 2 A. I don't believe I did, sir.
 3 Q. And were any other inmates
 4 identified as having been subjected to
 5 sexual abuse or exploitation by Mr.
 6 Walton?
 7 A. From my recollection it was just
 8 Emma.
 9 Q. Now, James Eicher you mentioned
 10 already in connection with Lisa Lambert.
 11 What about in connection with Paula
 12 Hoover? Was there an investigation of
 13 that?
 14 A. I can't recall was there an
 15 investigation or a fact finding.
 16 Something rings a bell. Paula Hoover was
 17 one of our veteran inmates from my
 18 recollection. I know I disciplined her
 19 once myself. And I can't recall if there
 20 was a specific investigation with Eicher
 21 and Paula Hoover.
 22 Q. Were there allegations that Paula
 23 Hoover --- that James Eicher was involved
 24 in sexual abuse or exploitation of Paula
 25 Hoover?

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1 Q. And who was Mr. Walton? What was
 2 his position?
 3 A. He was a food service supervisor
 4 or instructor. One of the two. He
 5 worked in the Food Service Department.
 6 Q. And Emma Gleckal was working in
 7 his department as an inmate worker; isn't
 8 that right?
 9 A. Yes, sir.
 10 Q. And do you recall what the sexual
 11 abuse or exploitation involved in that
 12 issue concerned?
 13 A. Yes, sir.
 14 Q. What was it?
 15 A. There was alleged oral sex
 16 involved in that.
 17 Q. Kissing?
 18 A. I can't recall the kissing.
 19 Again, I was not --- I was involved in
 20 that investigation but it was conducted
 21 by SOI.
 22 Q. What was your involvement in this
 23 investigation?
 24 A. Again, as institutional liaison.
 25 Q. You didn't interview anybody; is

1 A. I can't recall that specifically,
 2 sir.
 3 Q. Elizabeth Jones, was James Eicher
 4 investigated in connection with sexual
 5 misconduct in relation to Elizabeth
 6 Jones?
 7 A. I believe there was some sort of
 8 investigation. I can't remember if it
 9 was sexual in nature or not.
 10 Q. Had you heard or read anything
 11 alleging that Eicher had been involved
 12 sexual misconduct in connection with
 13 Elizabeth Jones?
 14 A. I think I just answered that. I
 15 don't believe so. I can't recall.
 16 Q. Now, what about the Maysonet
 17 sisters. Do you know whether or not
 18 James Eicher was ever investigated for
 19 sexual misconduct in connection with the
 20 Maysonet sisters?
 21 A. I don't recall with the Maysonet
 22 sisters. I remember Jim Merry.
 23 Q. Do you recall any rumors or
 24 allegations that Eicher had been involved
 25 in sexual misconduct toward the Maysonet

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| <p style="text-align: right;">Page 50</p> <p>1 sisters?</p> <p>2 A. Not that I can recall.</p> <p>3 Q. And that is either of the</p> <p>4 Maysonet sisters?</p> <p>5 A. Correct.</p> <p>6 Q. Not that you can recall; is that</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Jim Merry, was there an</p> <p>10 investigation of sexual misconduct on the</p> <p>11 part of Jim Merry?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And what was Jim Merry's position</p> <p>14 on the staff? Was he a corrections</p> <p>15 officer?</p> <p>16 A. He was a corrections officer,</p> <p>17 too. He was a sergeant.</p> <p>18 Q. And what did that investigation</p> <p>19 involve? What inmates?</p> <p>20 A. That was --- I believe was</p> <p>21 strictly with one of the Maysonet</p> <p>22 sisters. I can't remember which one. I</p> <p>23 can't remember either one.</p> <p>24 Q. Elizabeth?</p> <p>25 A. Elizabeth, was one of them. I</p> | <p style="text-align: right;">Page 52</p> <p>1 believe her name is Marjoline DeBello</p> <p>2 (phonetic)?</p> <p>3 A. I can't recall, sir.</p> <p>4 Q. Jerome Coffee, do you recall any</p> <p>5 investigation of Jerome Coffee?</p> <p>6 A. No, I can't recall anything on</p> <p>7 Sergeant Coffee.</p> <p>8 Q. Had you heard any allegations of</p> <p>9 sexual misconduct by Coffee against</p> <p>10 Marita Diaz (phonetic)?</p> <p>11 A. Not that I can recall, sir.</p> <p>12 Q. Do you know --- does the name</p> <p>13 Marita Diaz ring a bell?</p> <p>14 A. Yeah, Diaz. That name rings a</p> <p>15 bell.</p> <p>16 Q. Had she been linked in a sexual</p> <p>17 way according to anything you read or</p> <p>18 heard with any of the officers?</p> <p>19 A. Not that I can recall, sir.</p> <p>20 Q. What about Phillip David Schmidt;</p> <p>21 do you know him?</p> <p>22 A. Yes, sir.</p> <p>23 Q. What is his position? What was</p> <p>24 his position?</p> <p>25 A. Corrections officer.</p> |
| <p style="text-align: right;">Page 51</p> <p>1 don't even remember the ones name. I</p> <p>2 can't remember which one specifically it</p> <p>3 was.</p> <p>4 Q. Now, what about Carmella Vienam</p> <p>5 (phonetic)? Was Sergeant Merry</p> <p>6 investigated for sexual misconduct toward</p> <p>7 Carmella Vienam?</p> <p>8 A. Her name is familiar but I can't</p> <p>9 recall whether it was a specific</p> <p>10 investigation involving the two of them.</p> <p>11 Q. What about allegations? Did you</p> <p>12 hear allegations about them?</p> <p>13 A. I really can't recall, sir.</p> <p>14 Q. Roger Beck, what was his position</p> <p>15 in the institution?</p> <p>16 A. He was a lieutenant. Still is a</p> <p>17 lieutenant here.</p> <p>18 Q. And are you aware of any</p> <p>19 investigation of Roger Beck in connection</p> <p>20 with allegations with sexual misconduct</p> <p>21 toward inmates?</p> <p>22 A. Not that I recall, sir.</p> <p>23 Q. Were you aware of any</p> <p>24 investigation or allegations that Beck</p> <p>25 had been involved sexually with, I</p> | <p style="text-align: right;">Page 53</p> <p>1 Q. And was he investigated as a</p> <p>2 result of allegations of sexual</p> <p>3 misconduct toward Lisa Lambert?</p> <p>4 A. I don't recall --- I can't</p> <p>5 remember if it was with Lisa Lambert or</p> <p>6 not. I know --- if I remember correctly,</p> <p>7 there was some type of either a fact</p> <p>8 finder investigation with Mr. Schmidt but</p> <p>9 I can't recall the specifics.</p> <p>10 Q. You can't recall anything about</p> <p>11 the specifics?</p> <p>12 A. No, sir.</p> <p>13 Q. Can you recall that it involved</p> <p>14 allegations of sexual misconduct toward</p> <p>15 an inmate?</p> <p>16 A. I believe there was that.</p> <p>17 Q. Bob Rogers, who is Bob Rogers?</p> <p>18 A. Bob Rogers was here as a</p> <p>19 lieutenant.</p> <p>20 Q. Are you aware of any</p> <p>21 investigation of Lieutenant Rogers in</p> <p>22 connection with allegations of sexual</p> <p>23 misconduct toward Lisa Lambert?</p> <p>24 A. No, sir.</p> <p>25 Q. Toward any other inmate?</p> |

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| <p style="text-align: right;">Page 54</p> <p>1 A. Not that I'm aware of, sir.</p> <p>2 Q. Had you heard any rumors or</p> <p>3 allegations to that effect?</p> <p>4 A. No, sir.</p> <p>5 Q. Wayne Young, what was his</p> <p>6 position at the prison?</p> <p>7 A. He was a plumbing trades</p> <p>8 instructor, if I remember correctly.</p> <p>9 Q. Are you aware of any</p> <p>10 investigation being conducted in</p> <p>11 connection with Wayne Young involving</p> <p>12 allegations of sexual misconduct toward</p> <p>13 inmates?</p> <p>14 A. I believe there was something</p> <p>15 there. I can't remember what it was or</p> <p>16 what the results were.</p> <p>17 Q. Did that involve, to the best of</p> <p>18 your recollection, an inmate by the name</p> <p>19 of LeAnn Jafka?</p> <p>20 A. That name sounds familiar. It's</p> <p>21 a possibility.</p> <p>22 Q. Do you recall an officer by the</p> <p>23 name of Stone?</p> <p>24 A. Yes.</p> <p>25 Q. What was his first name?</p> | <p style="text-align: right;">Page 56</p> <p>1 Q. Harry Stewart, is that name</p> <p>2 familiar?</p> <p>3 A. Yes.</p> <p>4 Q. And what was his position?</p> <p>5 A. He was the --- I can't remember</p> <p>6 what the title is. Food service manager</p> <p>7 in charge of the dietary department.</p> <p>8 Q. Was that the same department that</p> <p>9 Paul Walton had worked in?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And do you recall Mr. Stewart</p> <p>12 having been investigated for sexual</p> <p>13 misconduct toward any Cambridge Spring</p> <p>14 inmates?</p> <p>15 A. I don't recall that, sir.</p> <p>16 Q. What about Marjoline DeBello?</p> <p>17 A. She worked in food service as an</p> <p>18 inmate.</p> <p>19 Q. But you don't recall any</p> <p>20 allegations that Mr. Stewart had done</p> <p>21 something?</p> <p>22 A. I don't recall that. No, sir.</p> <p>23 Q. John Raun, do you recall any</p> <p>24 allegations of sexual misconduct on his</p> <p>25 part?</p> |
| <p style="text-align: right;">Page 55</p> <p>1 A. Oh, jeez. I don't remember.</p> <p>2 Q. What was his rank?</p> <p>3 A. He was a corrections officer I.</p> <p>4 Q. And do you recall any</p> <p>5 investigation of Officer Stone in</p> <p>6 connection with allegations of sexual</p> <p>7 misconduct toward a Cambridge Spring</p> <p>8 prisoner?</p> <p>9 A. I believe there was inmate</p> <p>10 Johnson.</p> <p>11 Q. Right. Erica Johnson?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall what happened as a</p> <p>14 result of that?</p> <p>15 A. I believe there was an</p> <p>16 investigation and if I remember correctly</p> <p>17 there was --- it was unfounded. It</p> <p>18 didn't --- he resigned anyway. He didn't</p> <p>19 come back to work. He was suspended and</p> <p>20 then came back to work when the</p> <p>21 investigation was concluded and then he</p> <p>22 resigned.</p> <p>23 Q. Do you recall what the</p> <p>24 allegations involved?</p> <p>25 A. No, sir, I don't.</p> | <p style="text-align: right;">Page 57</p> <p>1 A. Yes, sir.</p> <p>2 Q. What inmate or inmates were</p> <p>3 involved in that investigation?</p> <p>4 A. I believe that was with Lisa</p> <p>5 Lambert.</p> <p>6 Q. Any other inmates?</p> <p>7 A. Not that I can recall.</p> <p>8 Q. Do you recall an officer by the</p> <p>9 name of Montegjo. I believe it's</p> <p>10 M-O-N-T-E-G-J-O.</p> <p>11 A. Yes.</p> <p>12 Q. And do you recall his first name?</p> <p>13 A. Emmanuel.</p> <p>14 Q. What was his rank?</p> <p>15 A. He started out here as a trainee</p> <p>16 and eventually made --- now he's a</p> <p>17 lieutenant, now. But he made sergeant</p> <p>18 while I was here.</p> <p>19 Q. And do you recall any</p> <p>20 investigation of Emmanuel Montegjo in</p> <p>21 connection with allegations of sexual</p> <p>22 misconduct?</p> <p>23 A. I think there was something but I</p> <p>24 can't recall the specifics of that one</p> <p>25 either.</p> |

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| <p style="text-align: right;">Page 58</p> <p>1 Q. Did that involve Lisa Lambert?</p> <p>2 A. I really can't recall, sir.</p> <p>3 Q. Phil Free, do you recall any</p> <p>4 investigation of allegations that he had</p> <p>5 engaged in sexual misconduct toward an</p> <p>6 inmate?</p> <p>7 A. I believe there was something</p> <p>8 there with Mr. Free as well.</p> <p>9 Q. Do you believe that those were</p> <p>10 associated with Lisa Lambert and/or</p> <p>11 inmate LeAnne Jafka?</p> <p>12 A. I can't recall the specifics on</p> <p>13 that case, sir.</p> <p>14 Q. Do you recall an employee at</p> <p>15 Cambridge Springs by the name of Arnold</p> <p>16 Requine. I'm not sure if I'm pronouncing</p> <p>17 that correctly. I believe it's</p> <p>18 R-E-Q-U-I-N-E, who I am told was a</p> <p>19 laundry supervisor at the prison, at one</p> <p>20 time.</p> <p>21 A. No, that name doesn't sound</p> <p>22 familiar at all.</p> <p>23 Q. What about --- do you recall any</p> <p>24 investigation regardless of the name of</p> <p>25 the laundry supervisor at Cambridge</p> | <p style="text-align: right;">Page 60</p> <p>1 A. I know Ron Randolph was</p> <p>2 investigated but I don't believe it was</p> <p>3 for sexual contact in anyway.</p> <p>4 Q. Was he investigated for giving an</p> <p>5 inmate presents?</p> <p>6 A. I can't recall the specifics of</p> <p>7 the investigation. I wasn't involved in</p> <p>8 it.</p> <p>9 Q. Was giving --- were there ever</p> <p>10 circumstances where you had heard about</p> <p>11 either an officer or another staff member</p> <p>12 bringing in things for inmates.</p> <p>13 Cigarettes, hosiery, other items.</p> <p>14 A. I don't recall that, no, sir.</p> <p>15 Q. You don't ever recall any</p> <p>16 allegations that a staff member had been</p> <p>17 bringing in gifts for inmates; is that</p> <p>18 correct?</p> <p>19 A. I can't recall that, no, sir.</p> <p>20 Q. In the course of your training,</p> <p>21 were you ever advised that a staff member</p> <p>22 bringing in gifts for an inmate was a red</p> <p>23 flag and might indicate that there's a</p> <p>24 sexual relationship between the staff</p> <p>25 member and an inmate? The inmate who</p> |
| <p style="text-align: right;">Page 59</p> <p>1 Springs involving allegations of sexual</p> <p>2 misconduct toward an inmate?</p> <p>3 A. Not that I can recall, sir.</p> <p>4 Q. Richard Hammers, do you recall an</p> <p>5 investigation of Richard Hammers</p> <p>6 involving allegations of sexual</p> <p>7 misconduct toward an inmate?</p> <p>8 A. Yes, sir, I do.</p> <p>9 Q. And what was Mr. Hammers</p> <p>10 position?</p> <p>11 A. He was a trainee. I'm not sure</p> <p>12 if he completed his training phases as a</p> <p>13 CO1 or not.</p> <p>14 Q. And do you recall who he</p> <p>15 allegedly had engaged in sexual</p> <p>16 misconduct with?</p> <p>17 A. No, sir, I don't.</p> <p>18 Q. What about a person by the name</p> <p>19 of Randolph, R-A-N-D-O-L-P-H?</p> <p>20 A. There's two Randolph's that were</p> <p>21 here.</p> <p>22 Q. Were either of them, while you</p> <p>23 were here to the best of your knowledge,</p> <p>24 investigated for sexual misconduct toward</p> <p>25 an inmate?</p> | <p style="text-align: right;">Page 61</p> <p>1 received the gifts.</p> <p>2 A. As far as it being a red flag, no</p> <p>3 sir, not specifically. That's part of</p> <p>4 our of code of ethics. You don't bring</p> <p>5 in anything for an inmate.</p> <p>6 Q. Right. But did you see --- I</p> <p>7 won't use the word red flag. Did you ---</p> <p>8 do you see a relationship between an</p> <p>9 officer bringing in gifts for an inmate?</p> <p>10 Do you see a relationship between that</p> <p>11 and the possibility that that officer is</p> <p>12 having a sexual relationship with an</p> <p>13 inmate?</p> <p>14 ATTORNEY HALLORAN:</p> <p>15 Let me object to the form</p> <p>16 of the question. I think that</p> <p>17 he's testified that the bringing</p> <p>18 in of gifts in itself is a</p> <p>19 violation, which could lead to an</p> <p>20 investigation independent of</p> <p>21 anything.</p> <p>22 ATTORNEY KRAKOFF:</p> <p>23 Right. I understand</p> <p>24 that.</p> <p>25 BY ATTORNEY KRAKOFF:</p> |

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| <p style="text-align: right;">Page 62</p> <p>1 Q. Do you see a relationship between 2 or is that irrelevant in your mind? 3 A. There's the possibility that if I 4 was given an investigation for somebody 5 bringing in gifts for an inmate, that 6 would definitely, in your words, put a 7 red flag up. It would make me curious as 8 to why, you know, that would definitely 9 --- 10 Q. And in your mind the why could be 11 that there's something sexual going on. 12 Either kissing, hugging, fondling or 13 something more extensive? 14 A. That would be a possibility. 15 Q. What about --- is there a 16 Lieutenant Mort? M-O-R-T, I believe it 17 is or --- 18 A. He's no longer employed. 19 Q. Do you know whether there was any 20 investigation of Lieutenant Mort for 21 allegations of sexual misconduct toward 22 an inmate? 23 A. He resigned before the 24 investigation could be started. 25 Q. And what were the allegations ---</p> | <p style="text-align: right;">Page 64</p> <p>1 sexual misconduct either toward an inmate 2 who is currently at Cambridge Springs or 3 had been in Cambridge Springs? 4 A. That was involving an inmate that 5 would have been on parole. 6 Q. Uh-huh (yes). 7 A. And there wasn't any sexual 8 allegations in that investigation. 9 Q. Wasn't there an allegation that 10 she was living with that person? 11 A. At the time, no. 12 Q. What were the allegations, just 13 that she was --- 14 A. There was correspondence. She 15 had meant the inmate. The ex-inmate that 16 she was on parole had met with her --- 17 had that person at her home but was not 18 living there. 19 Q. On more than one occasion? 20 A. If I recall, this is one specific 21 occasion. 22 Q. There were no allegations of a 23 sexual relationship between Officer 24 Ledford and the inmate? 25 A. No.</p> |
| <p style="text-align: right;">Page 63</p> <p>1 were there plans to launch an 2 investigation associated with Lieutenant 3 Mort? 4 A. At that stage we were at a fact 5 finding. I can remember that one. It 6 was alleged that he had kissed an inmate 7 on the cheek. 8 Q. Okay. 9 A. I never even got to interview 10 him. He resigned before we could conduct 11 any kind of investigation. 12 Q. Is the fact finding considered to 13 be part of an investigation? 14 A. It's a preliminary --- 15 Q. Okay. 16 A. --- to see if there is facts or 17 evidence to continue with an 18 investigation. 19 Q. And the allegation was limited to 20 his kissing an inmate on the cheek and no 21 more extensive? 22 A. From my recollection, yeah. 23 Q. What about Officer Jennifer 24 Ledford, do you recall any investigations 25 of Officer Ledford in connection with</p> | <p style="text-align: right;">Page 65</p> <p>1 Q. Is there a rule --- was there a 2 rule --- do you recall approximately when 3 that occurred, what year? 4 A. With Jennifer, that was early on. 5 Q. Okay. 6 A. Well, that was late in our first 7 year in '92. 8 Q. Did that violate the code of 9 ethics, corresponding with a former 10 inmate? 11 A. Yes. 12 Q. And meeting with a former inmate? 13 A. Yes. 14 Q. Martin Miller, this --- these 15 lawsuits that I'm taking depositions 16 about involve Vasquez Phillips, but there 17 were others that he was investigated for 18 having engaged in sexual misconduct for; 19 isn't that true? Other than Robin 20 Phillips and Sylvia Vasquez. 21 A. What was the name of the staff 22 member again, sir? 23 Q. Martin Miller. 24 A. Martin Miller. 25 Q. Were you here when he was being</p> |

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| <p style="text-align: right;">Page 66</p> <p>1 investigated?</p> <p>2 A. Yes, I was.</p> <p>3 Q. And were there allegations that</p> <p>4 he had engaged in sexual misconduct</p> <p>5 toward some inmates?</p> <p>6 A. Yes, there was.</p> <p>7 Q. And do you recall the names of</p> <p>8 the inmates?</p> <p>9 A. You just mentioned one, Vasquez.</p> <p>10 Other than that, I can't recall any</p> <p>11 other.</p> <p>12 Q. What about Pehlman?</p> <p>13 A. Yeah, she --- I remember from the</p> <p>14 court proceedings that Pehlman was part</p> <p>15 of the case.</p> <p>16 Q. There were four women weren't</p> <p>17 there?</p> <p>18 A. I can't recall how many were</p> <p>19 involved in that, sir. Again, that part</p> <p>20 of that investigation was handled by SOI.</p> <p>21 I had investigated Mr. Miller prior to</p> <p>22 that investigation.</p> <p>23 Q. Right. How many times was ---</p> <p>24 how many investigations were conducted of</p> <p>25 Martin Miller during the time that you</p> | <p style="text-align: right;">Page 68</p> <p>1 and didn't --- it was --- I know was a</p> <p>2 sexual nature with the names that we had</p> <p>3 mentioned previously, Vasquez. I can't</p> <p>4 remember all the specifics of that.</p> <p>5 Q. Okay.</p> <p>6 A. Again, I was --- I can't remember</p> <p>7 if I was involved altogether with that</p> <p>8 institutional liaison Lieutenant Beck and</p> <p>9 Captain Lazenby.</p> <p>10 Q. We have some documents that I'm</p> <p>11 going to review with you later which</p> <p>12 might refresh some of your recollection.</p> <p>13 A. That would help.</p> <p>14 Q. What about Linda Bisch</p> <p>15 (phonetic), from dietary; do you recall</p> <p>16 any allegations --- any investigation</p> <p>17 involving her?</p> <p>18 A. Yeah, there was something. I</p> <p>19 can't remember the exact specifics. I</p> <p>20 think it was she was involved with</p> <p>21 kissing an inmate or something like that</p> <p>22 or hugging an inmate. I can't remember</p> <p>23 the specifics on that case.</p> <p>24 Q. What happened to her; do you</p> <p>25 know?</p> |
| <p style="text-align: right;">Page 67</p> <p>1 were here?</p> <p>2 A. I can recall two. The one I did</p> <p>3 and the one that the Office of</p> <p>4 Investigations did.</p> <p>5 Q. Do you recall the one that you</p> <p>6 did?</p> <p>7 A. Yeah.</p> <p>8 Q. What were the allegations?</p> <p>9 A. That he had --- there was an</p> <p>10 inmate sitting in a chair up in the Day</p> <p>11 Room in Luder Hall and he had come up</p> <p>12 behind her and was massaging her neck and</p> <p>13 kind of gave her like a little hug from</p> <p>14 behind.</p> <p>15 Q. And is that the one where Officer</p> <p>16 Donahue came on the scene?</p> <p>17 A. I can't remember the officer's</p> <p>18 name. I believe it was reported by</p> <p>19 another staff member but I can't remember</p> <p>20 who.</p> <p>21 Q. And then what was the Office of</p> <p>22 Special Investigation --- what was that</p> <p>23 office investigating in connection with</p> <p>24 Miller?</p> <p>25 A. That was just a separate issue</p> | <p style="text-align: right;">Page 69</p> <p>1 A. I believe she resigned.</p> <p>2 Q. And Lisa Strickland?</p> <p>3 A. Strickland, no.</p> <p>4 Q. Bruce Allen?</p> <p>5 A. Bruce Allen, I can't recall that</p> <p>6 name.</p> <p>7 Q. Can you recall him in connection</p> <p>8 with the Hammers' situation?</p> <p>9 A. That name doesn't click with me,</p> <p>10 sir.</p> <p>11 Q. What about an officer by the name</p> <p>12 of Lofton, L-O-F-T-O-N?</p> <p>13 A. No.</p> <p>14 ATTORNEY KRAKOFF:</p> <p>15 Okay. Mr. Halloran at</p> <p>16 least there were a few names on</p> <p>17 here that I don't have any</p> <p>18 documents for that Lieutenant</p> <p>19 Bartlett was able to at least</p> <p>20 generally recall. Phillip David</p> <p>21 Schmidt, Wayne Young and an</p> <p>22 officer by the name of Stone,</p> <p>23 Bill Free and Lieutenant Mort. I</p> <p>24 don't have any documentation.</p> <p>25 And I also would --- Paul Walden.</p> |

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| <p style="text-align: right;">Page 70</p> <p>1 I've obtained some 2 documents from another source 3 that have not received anything 4 from the institution in 5 connection with his 6 investigation. I have some 7 documents reflecting his 8 conviction and a few other 9 documents that are in the 10 Exhibits. So I would like to 11 request those documents related 12 to him as well. 13 And obviously, Lieutenant 14 Bartlett is not able to recall 15 specifically or even generally 16 some of the others. But the 17 names that I've listed I would 18 hope that somebody and I would 19 request that somebody from the 20 staff review them to see whether 21 there were any investigations 22 launched or whether there were 23 any extraordinary occurrence 24 reports or incident reports or 25 other documentation concerning</p> | <p style="text-align: right;">Page 72</p> <p>1 member of the staff? 2 A. I can't recall if I saw any 3 grievances from Lisa or not. I might 4 have. I just can't recall. 5 Q. Now, have you ever participated 6 in a discussion with Superintendent 7 Wolfe, or been present when 8 Superintendent Wolfe expressed concerns 9 about the level of sexual abuse or 10 exploitation that was occurring at the 11 prison? 12 A. I don't recall any specific 13 meetings. I can recall --- I mean, 14 specifically for that purpose. I can 15 recall being with him where we've 16 discussed the issue because we were 17 having the concern at one point. It 18 seemed like every time we finished one 19 investigation something else would come 20 up. 21 Q. All right. Of that nature? 22 A. Yes, sir. 23 Q. And do you recall what the 24 substance was of what Superintendent 25 Wolfe said?</p> |
| <p style="text-align: right;">Page 71</p> <p>1 allegations of sexual misconduct 2 on their part. All right. And I 3 listed all those names before. 4 ATTORNEY HALLORAN: 5 Okay. We'll review 6 those. 7 A. Excuse me. Can we take a quick 8 break. I need to use the restroom. 9 SHORT BREAK TAKEN 10 BY ATTORNEY KRAKOFF: 11 Q. Lieutenant Bartlett, have you 12 ever seen an inmate grievance which was 13 filed through the inmates grievance 14 system, which contained allegations that 15 a member of the staff had engaged in 16 sexual misconduct against the prisoner? 17 A. I can't recall specifically. 18 Q. Right. I'm not asking about a 19 specific one. But have you seen 20 grievances used for that purpose? 21 A. I'm sure I had, but I can't 22 recall, if I specifically seen one. 23 Q. Now, did you ever see a grievance 24 submitted by Lisa Lambert associated with 25 allegations of sexual misconduct by a</p> | <p style="text-align: right;">Page 73</p> <p>1 A. Basically, it was like a think 2 tank setting. What can we do to try and 3 help this situation out. I remember one 4 of the things as a result of that is that 5 we had a training tape made up by Juan 6 Davis, who was the director of the 7 Special Investigations Office, on staff 8 professionalism and dealing specifically 9 with contact and dealing with inmates. 10 They made a videotape of that. 11 ATTORNEY KRAKOFF: 12 We've never received a 13 copy of that tape, Mr. Halloran. 14 I remember it was referred to you 15 by the Superintendent or the 16 Deputy superintendent. 17 BY ATTORNEY KRAKOFF: 18 Q. Was this --- do you recall, the 19 approximate year that this think tank 20 discussion occurred? 21 A. Oh, it was probably '93, maybe 22 '94. 23 Q. Okay. 24 A. We had it a couple of times. 25 Q. You had it in '95, as well?</p> |

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| <p>1 A. Oh, I can't recall, sir.</p> <p>2 Q. And who else was part of that</p> <p>3 think tank discussion?</p> <p>4 A. Deputy Kormanic, I can't remember</p> <p>5 if Deputy Utz was in there that specific</p> <p>6 time or not.</p> <p>7 Q. Do you remember anything that</p> <p>8 Deputy Kormanic said on the subject?</p> <p>9 A. Other than all three of us held</p> <p>10 the same opinion that we wouldn't</p> <p>11 tolerate --- there was zero tolerance for</p> <p>12 that type of behavior at this institution</p> <p>13 and we were trying --- we were discussing</p> <p>14 ways to convey that to the staff.</p> <p>15 Q. And what were some of the ways</p> <p>16 that you all discussed about conveying</p> <p>17 that to the staff?</p> <p>18 A. Specifically, teaching an ethics</p> <p>19 class on the code of ethics and to</p> <p>20 reiterate --- because everybody when they</p> <p>21 are hired receives a book on the code of</p> <p>22 ethics and since then it's become a</p> <p>23 departmental mandatory training on the</p> <p>24 code of the ethics. And we did a</p> <p>25 localized class for the staff that were</p> | <p>1 Tell her to read it back.</p> <p>2 Was that confusing?</p> <p>3 BY ATTORNEY KRAKOFF:</p> <p>4 Q. In the course of the --- I think</p> <p>5 you said that there was more than one</p> <p>6 think tank discussion; is that right?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And in the course of any of those</p> <p>9 discussions, was there any discussion</p> <p>10 about possibly changing the way</p> <p>11 allegations of staff sexual misconduct</p> <p>12 against inmates would be investigated?</p> <p>13 A. Not that I can recall because</p> <p>14 they were handled the same way. We</p> <p>15 again, zero tolerance and we took any</p> <p>16 accusation serious in either fact finding</p> <p>17 or investigate any allegations that came</p> <p>18 forward.</p> <p>19 Q. Now, in the course of your</p> <p>20 investigations, in terms of taking the</p> <p>21 allegations seriously, what was your</p> <p>22 practice, if you had a practice, when</p> <p>23 there were no witnesses other than the</p> <p>24 inmate who was making allegations and the</p> <p>25 officer who was involved? What was your</p> |
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| <p>1 here at that time, as well as the</p> <p>2 videotape.</p> <p>3 Q. Was that in '94, as well?</p> <p>4 Approximately.</p> <p>5 A. Yeah, somewhere around there sir,</p> <p>6 yes.</p> <p>7 Q. And how long was that instruction</p> <p>8 on the code of ethics?</p> <p>9 A. I can't recall the exact time.</p> <p>10 It was at least an hour, if I remember</p> <p>11 correctly.</p> <p>12 Q. And anything else expressed on</p> <p>13 the subject of sexual abuse or</p> <p>14 exploitation at Cambridge Springs?</p> <p>15 A. I can't recall specifics, sir.</p> <p>16 Q. Was there any discussion about</p> <p>17 changing the way that allegations of</p> <p>18 sexual misconduct by staff against</p> <p>19 inmates would be conducted?</p> <p>20 ATTORNEY HALLORAN:</p> <p>21 Object to the form of the</p> <p>22 question.</p> <p>23 ATTORNEY KRAKOFF:</p> <p>24 Why?</p> <p>25 ATTORNEY HALLORAN:</p> | <p>1 practice when the inmate said it happened</p> <p>2 and the officer said it didn't?</p> <p>3 A. I would conduct my investigation</p> <p>4 and ask questions of both parties and</p> <p>5 submit my report to the superintendent.</p> <p>6 Q. You wouldn't make a decision?</p> <p>7 A. No, sir. I was not in a position</p> <p>8 to make a decision.</p> <p>9 Q. Would you make any</p> <p>10 characterizations in your report to the</p> <p>11 superintendent about the apparent</p> <p>12 credibility of either the officer or the</p> <p>13 inmate?</p> <p>14 A. Yes.</p> <p>15 Q. And how would you make those</p> <p>16 judgements?</p> <p>17 A. From past experience. Part of my</p> <p>18 training was on reading body language.</p> <p>19 People's reactions to questions.</p> <p>20 Q. When you first began the</p> <p>21 investigation of Eicher, in connection</p> <p>22 with Lisa Lambert, you read his body</p> <p>23 language as being honest when he denied</p> <p>24 that he was having a sexual relationship</p> <p>25 with Lisa Lambert; didn't you?</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 A. Yes, sir, I did.</p> <p>2 Q. And as it turned out your review</p> <p>3 of his body language wasn't correct; was</p> <p>4 it?</p> <p>5 A. That's correct. Again, I'm not a</p> <p>6 professional in aspect of minimal</p> <p>7 training and some people are better at</p> <p>8 lying than others.</p> <p>9 Q. Now, as you sit here today</p> <p>10 looking back in general on the</p> <p>11 investigations that you conducted, do you</p> <p>12 believe that there were things, as a</p> <p>13 matter of practice, that you didn't do in</p> <p>14 investigation after investigation that</p> <p>15 you should have done in order to</p> <p>16 adequately assess the issues?</p> <p>17 ATTORNEY HALLORAN:</p> <p>18 Objection. Irrelevant.</p> <p>19 You can answer.</p> <p>20 A. Pardon me?</p> <p>21 ATTORNEY HALLORAN:</p> <p>22 You can go ahead and</p> <p>23 answer.</p> <p>24 BY ATTORNEY KRAKOFF:</p> <p>25 Q. Were there things that you</p> | <p style="text-align: right;">Page 80</p> <p>1 BY ATTORNEY KRAKOFF:</p> <p>2 Q. Now, did you ever issue a memo to</p> <p>3 members of the staff under you expressing</p> <p>4 concerns about the level of sexual</p> <p>5 exploitation or abuse that appeared to</p> <p>6 have existed at the prison?</p> <p>7 A. I can't recall if I did or not,</p> <p>8 sir.</p> <p>9 Q. But you were concerned; weren't</p> <p>10 you?</p> <p>11 A. Yes, I was.</p> <p>12 Q. And that concern continued until</p> <p>13 the day you left the institution; didn't</p> <p>14 it?</p> <p>15 A. No, not really because again, in</p> <p>16 March of '95, I changed duties and things</p> <p>17 started to taper off. There wasn't</p> <p>18 nearly the level of investigations that</p> <p>19 we had before.</p> <p>20 Q. By the time that you ---</p> <p>21 A. By the time I left to go to</p> <p>22 Albion.</p> <p>23 Q. When did they start --- they</p> <p>24 started leveling off between March '95</p> <p>25 and the time you left for Albion?</p> |
| <p style="text-align: right;">Page 79</p> <p>1 believe that you should have been doing</p> <p>2 between 1992 and 1997 in the course of</p> <p>3 your investigations ---</p> <p>4 ATTORNEY HALLORAN:</p> <p>5 Let me object to the form</p> <p>6 of the question. There was no</p> <p>7 evidence that he was doing any</p> <p>8 investigations after March of</p> <p>9 1995.</p> <p>10 BY ATTORNEY KRAKOFF:</p> <p>11 Q. I'm sorry, I meant March of 1995?</p> <p>12 Thank you.</p> <p>13 A. No, not that I can think of</p> <p>14 specifically.</p> <p>15 ATTORNEY KRAKOFF:</p> <p>16 Now, I believe that</p> <p>17 Lieutenant Bartlett made</p> <p>18 reference earlier to a memo from</p> <p>19 Superintendent Wolfe, on the</p> <p>20 subject of sexual misconduct by</p> <p>21 members of the staff. What I</p> <p>22 would like to do is to request</p> <p>23 that if such a memo exists that</p> <p>24 you look for it and give it to</p> <p>25 me. Okay?</p> | <p style="text-align: right;">Page 81</p> <p>1 A. If I recall, yes.</p> <p>2 Q. Was that in '95, that they</p> <p>3 started tapering off or in '96, or '97?</p> <p>4 A. '95, '96, somewhere in there. I</p> <p>5 can't recall the exact time frame where</p> <p>6 they started to taper off. I think</p> <p>7 people were finally getting the hint.</p> <p>8 Q. Do you know how many</p> <p>9 investigations you conducted involving</p> <p>10 allegations of sexual misconduct or</p> <p>11 exploitation on the part of staff members</p> <p>12 against inmates?</p> <p>13 A. Not off the top of my head. I</p> <p>14 can't recall specific numbers.</p> <p>15 Q. Well, give me your best sense.</p> <p>16 20?</p> <p>17 A. I don't think I did that many.</p> <p>18 Q. 15?</p> <p>19 A. Less than 10.</p> <p>20 Q. Fewer than 10?</p> <p>21 A. Me personally, yes.</p> <p>22 Q. And how many investigations are</p> <p>23 you aware of of a similar nature being</p> <p>24 conducted by the central office?</p> <p>25 A. Somewhere between 15 and 20.</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 Q. Okay.</p> <p>2 A. I can't recall specific numbers.</p> <p>3 Q. So now that would be</p> <p>4 approximately 25 to 30 total; is that</p> <p>5 right?</p> <p>6 A. Some of those were --- some are</p> <p>7 duplicated. I think in total there might</p> <p>8 have been 18 to 20.</p> <p>9 Q. You mean different officers</p> <p>10 involved --- or different staff members?</p> <p>11 A. Yes.</p> <p>12 Q. So that I have that cleared, did</p> <p>13 you say between 18 and 20?</p> <p>14 A. Yes.</p> <p>15 Q. So between 18 and 20 members of</p> <p>16 the staff during the time that you were</p> <p>17 an officer of the prison were either</p> <p>18 investigated by the institutional level,</p> <p>19 central office level or by some</p> <p>20 combination of both; is that correct?</p> <p>21 A. From when I got here in May of</p> <p>22 '92, until I left ---</p> <p>23 Q. That's right.</p> <p>24 A. --- in '97, yes.</p> <p>25 Q. Right. Okay. Now, ---</p> | <p style="text-align: right;">Page 84</p> <p>1 with Lisa Lambert; is that true.</p> <p>2 A. Yes.</p> <p>3 Q. And if you turn to page five of</p> <p>4 the report you'll see that the report</p> <p>5 made reference to a memo from Captain</p> <p>6 Lazenby; do you see that?</p> <p>7 A. Toward the top of the page?</p> <p>8 Q. Yes.</p> <p>9 A. Uh-huh (yes).</p> <p>10 Q. Now, I take it that you were no</p> <p>11 longer the intelligence captain as of the</p> <p>12 25th of May; is that correct, 1995?</p> <p>13 A. It was March of '95 when our</p> <p>14 duties changed.</p> <p>15 Q. Now, if you turn to page 15 of</p> <p>16 the document, it refers to Attachment</p> <p>17 One.</p> <p>18 A. Okay.</p> <p>19 Q. Now, do you recall --- you'll see</p> <p>20 that this document identifies various</p> <p>21 officers, including, but not limited to</p> <p>22 Eicher. It mentions Montegjo and Merry</p> <p>23 and Rogers and Coffee and Young and</p> <p>24 Stewart and Beck and Schmidt. It's a</p> <p>25 two-page document. Do you recall ever</p> |
| <p style="text-align: right;">Page 83</p> <p>1 ATTORNEY HALLORAN:</p> <p>2 He also testified that</p> <p>3 was his recollection.</p> <p>4 ATTORNEY KRAKOFF:</p> <p>5 I understand that.</p> <p>6 BY ATTORNEY KRAKOFF:</p> <p>7 Q. Now, I would like to call your</p> <p>8 attention to some of the Exhibits that I</p> <p>9 have. And you have --- actually it might</p> <p>10 be easier to use the Court Reporter's</p> <p>11 copy. I'd like you to refer to Exhibit</p> <p>12 27, Lieutenant Bartlett. It's</p> <p>13 approximately half way into the first</p> <p>14 volume. I didn't number each of the</p> <p>15 pages unfortunately, I'm sorry.</p> <p>16 A. Some of them are. There it is</p> <p>17 (indicating).</p> <p>18 Q. You see it?</p> <p>19 A. Yes.</p> <p>20 Q. Once you locate that Exhibit ---</p> <p>21 I have the Exhibits when their multiple</p> <p>22 pages are usually numbered. Okay. This</p> <p>23 is the report dated September 11, 1995,</p> <p>24 concerning allegations that Eicher had</p> <p>25 violated the code of ethics in connection</p> | <p style="text-align: right;">Page 85</p> <p>1 seeing this document before?</p> <p>2 A. No, sir.</p> <p>3 Q. Were you involved in the</p> <p>4 investigation from March on of the</p> <p>5 Eicher/Lambert relationship?</p> <p>6 A. Briefly, only as in securing</p> <p>7 places for them to talk, to do their</p> <p>8 interviews and things like that. I was</p> <p>9 not directly involved with this</p> <p>10 investigation at all.</p> <p>11 Q. Now, if I can just call your</p> <p>12 attention to page 15. It mentions</p> <p>13 allegations of physical contact and it</p> <p>14 doesn't define what that means, with</p> <p>15 Inmate E. Jones in October, early</p> <p>16 November of '93. Had you heard any</p> <p>17 allegations of that sort?</p> <p>18 A. If I remember correctly ---</p> <p>19 ATTORNEY HALLORAN:</p> <p>20 You've already asked him</p> <p>21 all these questions.</p> <p>22 A. Yeah, you asked me a question</p> <p>23 about that earlier.</p> <p>24 BY ATTORNEY KRAKOFF:</p> <p>25 Q. Okay.</p> |

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| <p style="text-align: right;">Page 86</p> <p>1 A. Yeah, there was --- I can't 2 recall the specifics, but there was 3 something involving him and Elizabeth 4 Jones. 5 Q. Well, what I'm doing now --- this 6 has more specifics because some of these 7 things, I don't believe the Lieutenant 8 would recall. I'm just trying to see if 9 by referring him to this memo whether 10 this refreshes his recollection on any of 11 these memos. 12 A. That part really doesn't help a 13 whole lot. 14 Q. You'll see it says CO Eicher 15 allegedly had contact with E. Maysonet. 16 That's Elizabeth Maysonet I take it and 17 H. Maysonet, in the autumn of '93. Does 18 that reflect any recollection about such 19 allegations? 20 A. No, sir. 21 ATTORNEY HALLORAN: 22 Just that we're clear. 23 You're using this document to 24 refresh his recollection, 25 understanding he had never seen</p> | <p style="text-align: right;">Page 88</p> <p>1 from him? 2 A. Yes. 3 Q. And in this statement as you look 4 this over he, Mr. Allen informed you that 5 Hammers had engaged in oral sex and 6 manual stimulation with Maysonet; is that 7 correct? 8 A. I haven't read the whole thing 9 yet, sir. 10 Q. Do any of those things --- 11 whether any of them clarify things in 12 your mind about allegations you had 13 heard? 14 A. Mary and Coffee, no. Free, no. 15 It really doesn't recall any specifics 16 for me. 17 Q. Okay. 18 ATTORNEY HALLORAN: 19 When you say, you're 20 saying it doesn't give you any 21 additional --- 22 A. It doesn't give me additional 23 ---. 24 ATTORNEY HALLORAN: 25 --- information.</p> |
| <p style="text-align: right;">Page 87</p> <p>1 --- 2 ATTORNEY KRAKOFF: 3 He did not author this 4 document and he testified that he 5 had never seen it before. 6 BY ATTORNEY KRAKOFF: 7 Q. And then what about Eicher and 8 Inmate P. Hoover; is that Paula Hoover? 9 Was there a Paula Hoover? 10 A. Yes, Paula Hoover. 11 Q. In late 1993 in the field house 12 and yard and basement of Currie Hall. 13 Does that --- let me refer you to Exhibit 14 101. You see, it says Bruce Allen 15 3/10/95 and then it has a signature under 16 that Keith A. Bartlett, Captain 3/10 --- 17 A. Keith R. Bartlett. 18 Q. Keith R. Bartlett. Is that your 19 signature? 20 A. Yes, it is. 21 Q. And the actual text of this is 22 that written by Mr. Allen or was that 23 your --- is that your printing? 24 A. That's Mr. Allen. 25 Q. And is this a statement you took</p> | <p style="text-align: right;">Page 89</p> <p>1 A. Right. The same with Mr. Young. 2 I can't recall any more specific on that. 3 The same with Mr. Stewart, I can't recall 4 that. The same with Lieutenant Beck, I 5 can't recall that. 6 BY ATTORNEY KRAKOFF: 7 Q. And Schmidt, I believe you 8 testified that you had some recollection 9 of some allegations --- 10 A. Yeah, but I can't recall if it 11 involved Lambert or not. And I don't --- 12 Q. This doesn't refresh --- 13 A. It doesn't help, no. 14 Q. Do you recall at some point 15 investigating allegations that condoms 16 had been found in the dietary department? 17 A. I can't recall that. 18 Q. Do you recall hearing about 19 condoms being found in either the dietary 20 department or in some other location on 21 prison grounds, during the time that you 22 were employed at this prison? 23 A. Again, I don't recall that. 24 Q. Okay. 25 A. It's a possibility but I can't</p> |

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| <p style="text-align: right;">Page 90</p> <p>1 recall it.</p> <p>2 Q. Let me refer to Exhibit 29. You</p> <p>3 were at 27 so it's shortly after that.</p> <p>4 It's an affidavit of probable cause. Do</p> <p>5 you have that?</p> <p>6 A. Yes, I do.</p> <p>7 Q. And I'll represent to you that I</p> <p>8 received this document from some other</p> <p>9 source so I'm not vouching for it's</p> <p>10 authenticity. But in any event, you'll</p> <p>11 see in the third paragraph it notes on</p> <p>12 November 9, it's in the first paragraph</p> <p>13 of the text. On November 9, 1994, Emma</p> <p>14 Gleckal was interviewed and advised as</p> <p>15 investigator ---</p> <p>16 ATTORNEY HALLORAN:</p> <p>17 I'm going to object. The</p> <p>18 document speaks for itself.</p> <p>19 BY ATTORNEY KRAKOFF:</p> <p>20 Q. Why don't you review the</p> <p>21 document.</p> <p>22 A. Okay.</p> <p>23 ATTORNEY HALLORAN:</p> <p>24 That paragraph or the</p> <p>25 whole document?</p> | <p style="text-align: right;">Page 92</p> <p>1 A. In conversation.</p> <p>2 Q. Did he --- before the filing of</p> <p>3 the affidavit of probable cause, did he</p> <p>4 share this information with you that</p> <p>5 appears in this affidavit?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Had any of the individuals --- I</p> <p>8 know you said that Mr. Wolanin conducted</p> <p>9 this investigation. Had any of the</p> <p>10 members of your staff assisted him in</p> <p>11 securing any of the information, that you</p> <p>12 know of?</p> <p>13 A. Not that I'm aware of, sir.</p> <p>14 Q. And you knew before this</p> <p>15 complaint was filed that it was going to</p> <p>16 be filed; is that correct? The criminal</p> <p>17 complaint which is in Exhibit 30.</p> <p>18 A. I knew the criminal complaint was</p> <p>19 going to be filed, yes. I knew they were</p> <p>20 going to file charges on this.</p> <p>21 Q. And did you learn later that Mr.</p> <p>22 Walton had been criminally convicted in</p> <p>23 connection with misconduct toward Emma</p> <p>24 Gleckal?</p> <p>25 A. Yes, I was at that trial.</p> |
| <p style="text-align: right;">Page 91</p> <p>1 ATTORNEY KRAKOFF:</p> <p>2 That paragraph.</p> <p>3 Actually, why don't you review</p> <p>4 the two paragraphs above it and</p> <p>5 then the second page so that you</p> <p>6 read the entire text.</p> <p>7 BY ATTORNEY KRAKOFF:</p> <p>8 Q. Now, can you tell me whether you</p> <p>9 were involved in the collection of any of</p> <p>10 the substantive allegations that are</p> <p>11 contained in the affidavit of probable</p> <p>12 cause?</p> <p>13 A. No, that was done by Michael</p> <p>14 Wolanin, Office of Investigations.</p> <p>15 Q. Were you informed as this</p> <p>16 investigation was proceeding by Mr.</p> <p>17 Wolanin or by anybody else associated</p> <p>18 with the central office as to the</p> <p>19 information they had received about the</p> <p>20 Gleckel/Walton situation?</p> <p>21 A. Yes.</p> <p>22 Q. And how were you informed?</p> <p>23 A. By Mr. Wolanin.</p> <p>24 Q. And would he inform you in</p> <p>25 writing or by phone or by ---</p> | <p style="text-align: right;">Page 93</p> <p>1 Q. Did you testify in the trial?</p> <p>2 A. I can't remember if I testified</p> <p>3 or not. I might have.</p> <p>4 Q. Do you recall --- I take it that</p> <p>5 if you're not sure that you testified</p> <p>6 that you're not sure what you testified</p> <p>7 about?</p> <p>8 A. Correct.</p> <p>9 Q. What did you know that you could</p> <p>10 have --- nothing about the investigation;</p> <p>11 correct?</p> <p>12 A. Again, I can't recall.</p> <p>13 Q. Had you ever heard anything about</p> <p>14 Paul Walton prior to this Gleckal</p> <p>15 situation involving --- being involved in</p> <p>16 sexual misconduct toward inmates?</p> <p>17 A. Not that I'm aware, no.</p> <p>18 Q. What about toward staff members?</p> <p>19 A. Not that I can recall.</p> <p>20 Q. How many trials of staff members</p> <p>21 --- how many criminal trials of staff</p> <p>22 members at Cambridge Springs have you</p> <p>23 appeared in --- strike that.</p> <p>24 Have you attended?</p> <p>25 A. Two that I can recall.</p> |

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| <p style="text-align: right;">Page 94</p> <p>1 Q. And those are?</p> <p>2 A. Paul Walton and James Eicher.</p> <p>3 Q. So now you do recall that you</p> <p>4 attended, I think you had said</p> <p>5 originally, but you're not sure if you</p> <p>6 testified ---</p> <p>7 A. Correct.</p> <p>8 Q. --- in Walton. Did you testify</p> <p>9 in Eicher?</p> <p>10 A. I believe I did but I'm not</p> <p>11 really sure.</p> <p>12 Q. Aren't those --- isn't testifying</p> <p>13 in court a pretty significant event in</p> <p>14 your mind?</p> <p>15 ATTORNEY HALLORAN:</p> <p>16 Objection to the form of</p> <p>17 the question. Argumentative. He</p> <p>18 already testified that he can't</p> <p>19 recall.</p> <p>20 BY ATTORNEY KRAKOFF:</p> <p>21 Q. Now, do you know whether Paul</p> <p>22 Walton was investigated at the</p> <p>23 institutional level, meaning by</p> <p>24 institutional personnel, after the</p> <p>25 Gleckal allegations surfaced. Do you</p> | <p style="text-align: right;">Page 96</p> <p>1 Q. At SCI. A confidential source of</p> <p>2 information?</p> <p>3 A. Right.</p> <p>4 Q. Okay.</p> <p>5 A. And as far as how far he went</p> <p>6 with it whether he just dealt</p> <p>7 specifically with Emma Gleckal situation</p> <p>8 or whether --- I know working with Mr.</p> <p>9 Wolanin, he's very thorough. Whether he</p> <p>10 pursued other avenues other than that. I</p> <p>11 know from working with him if more</p> <p>12 information comes up during an</p> <p>13 investigation he does follow through with</p> <p>14 that.</p> <p>15 Q. And how do you know that?</p> <p>16 A. Again, I can't recall specifics</p> <p>17 but I know in the course of an</p> <p>18 investigation he was conducting other</p> <p>19 information that came up about other</p> <p>20 staff and he followed through in</p> <p>21 conducting and started a subsequent</p> <p>22 investigation.</p> <p>23 Q. Went down other roads?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Were you surprised and I'm only</p> |
| <p style="text-align: right;">Page 95</p> <p>1 know whether either you or anybody under</p> <p>2 your command investigated to determine</p> <p>3 whether Mr. Walton had engaged in sexual</p> <p>4 misconduct toward any other inmate?</p> <p>5 A. I don't recall that, no, sir.</p> <p>6 Q. Do you have any information that</p> <p>7 the central office investigated to see</p> <p>8 --- to determine whether Mr. Walton might</p> <p>9 have engaged in sexual misconduct toward</p> <p>10 any other Cambridge Spring inmate?</p> <p>11 A. I can't recall. It would be an</p> <p>12 assumption on my part if I said anything.</p> <p>13 Q. Do you recall him telling you</p> <p>14 that he had --- was in the process or was</p> <p>15 engaging in an investigation to determine</p> <p>16 just how extensive Mr. Walton's alleged</p> <p>17 misconduct was?</p> <p>18 A. Who?</p> <p>19 Q. Wolanin.</p> <p>20 A. No. He was conducting the</p> <p>21 investigation and he was interviewing the</p> <p>22 two inmates that were giving the</p> <p>23 information, as well as Ms. Gleckal and I</p> <p>24 believe that there was another inmate</p> <p>25 involved.</p> | <p style="text-align: right;">Page 97</p> <p>1 asking about you. Were you surprised</p> <p>2 when you first heard allegations about</p> <p>3 Paul Walton being involved in ---</p> <p>4 alleging being involved in misconduct</p> <p>5 toward an inmate of a sexual inmate?</p> <p>6 ATTORNEY HALLORAN:</p> <p>7 Objection. Irrelevant.</p> <p>8 You can answer it.</p> <p>9 A. I'm not sure surprise would be an</p> <p>10 appropriate word. I guess in any of</p> <p>11 these cases I still sit back and wonder</p> <p>12 why, how somebody in our profession could</p> <p>13 do this type of behavior. And just pin</p> <p>14 it down to any one specific individual</p> <p>15 and be surprised that they did it because</p> <p>16 I really couldn't sit there and say, you</p> <p>17 know, oh this person here looks like they</p> <p>18 could be capable of that. So to say yeah</p> <p>19 I would be surprised at anybody because</p> <p>20 that's something that I could never</p> <p>21 fathom.</p> <p>22 BY ATTORNEY KRAKOFF:</p> <p>23 Q. But there wasn't anything that</p> <p>24 you had heard that had given you reason</p> <p>25 before ---</p> |

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| <p style="text-align: right;">Page 98</p> <p>1 A. No, sir.</p> <p>2 Q. --- believe that Walton was</p> <p>3 engaging in sexual misconduct?</p> <p>4 A. Not that I can recall.</p> <p>5 Q. Now, I'm going to take you back</p> <p>6 to the investigation of Eicher. I'm</p> <p>7 going to refer you to Exhibit 18, which I</p> <p>8 believe were identified previously by</p> <p>9 Deputy Kormanic as her notes. The first</p> <p>10 date on the first page is 11/9/94 and it</p> <p>11 goes on for four pages. By the way, page</p> <p>12 four should have been page three and page</p> <p>13 three should have been page four. I put</p> <p>14 them out of order. But I'm going to</p> <p>15 refer you to the note of 11/23/94. Now,</p> <p>16 this was during the time period that you</p> <p>17 were still intelligence captain it's on</p> <p>18 the ---</p> <p>19 A. Last page.</p> <p>20 Q. It should have been on page three</p> <p>21 but it's marked paged four. It says,</p> <p>22 Eicher doesn't understand why staff</p> <p>23 aren't telling same story. P. Jones</p> <p>24 present when I don't Wright said, quote</p> <p>25 watch I'm going to get Eicher ---</p> | <p style="text-align: right;">Page 100</p> <p>1 A. D. Jones.</p> <p>2 BY ATTORNEY KRAKOFF:</p> <p>3 Q. Oh, I'm sorry, D. Jones. And</p> <p>4 I've not received any documents</p> <p>5 associated with an incident between</p> <p>6 Hoover in the stairway involving Eicher</p> <p>7 when apparently Eicher told somebody,</p> <p>8 according to the Deputy Superintendent's</p> <p>9 notes, that he had caught hell over</p> <p>10 Hoover incident in the stairway. Do you</p> <p>11 know anything about that incident?</p> <p>12 A. I can't recall it, sir.</p> <p>13 Q. Do you recall an incident where</p> <p>14 Hoover might have lifted her clothing and</p> <p>15 flashed her breasts or anything of that</p> <p>16 sort?</p> <p>17 A. I can't recall it sir, no. Can I</p> <p>18 be excused again real quick?</p> <p>19 ATTORNEY KRAKOFF:</p> <p>20 Sure.</p> <p>21 SHORT BREAK TAKEN</p> <p>22 ATTORNEY KRAKOFF:</p> <p>23 I may be wrong Mr.</p> <p>24 Halloran but you'll note on the</p> <p>25 marked page four on Exhibit 18 it</p> |
| <p style="text-align: right;">Page 99</p> <p>1 ATTORNEY HALLORAN:</p> <p>2 What page are you on?</p> <p>3 ATTORNEY KRAKOFF:</p> <p>4 Page four. I'm sorry.</p> <p>5 A. Could you be specific to the</p> <p>6 paragraph?</p> <p>7 BY ATTORNEY KRAKOFF:</p> <p>8 Q. I'm sorry. It's the bottom. I'm</p> <p>9 on the marked page four of the bottom</p> <p>10 paragraph, which I didn't identify for</p> <p>11 you, which starts with Eicher doesn't</p> <p>12 understand.</p> <p>13 Eicher doesn't understand why</p> <p>14 staff aren't telling the same story. P.</p> <p>15 Jones present when Wright said, quote,</p> <p>16 watch I'm going to get Eicher, close</p> <p>17 quote, and flashed him, said Wright. And</p> <p>18 he always had decent relationships but</p> <p>19 when she did that he thought he better</p> <p>20 let Super know because he, and then turn</p> <p>21 to page three, says caught hell last</p> <p>22 time. Quote Hoover incident in stairway,</p> <p>23 close quote.</p> <p>24 ATTORNEY HALLORAN:</p> <p>25 The initial is D.</p> | <p style="text-align: right;">Page 101</p> <p>1 makes reference to a fact finding</p> <p>2 on November 23rd, 1994, held with</p> <p>3 Officer Eicher, Union</p> <p>4 Representative Coffee, present</p> <p>5 were Lazenby and Bartlett. And</p> <p>6 there's a summary of that of</p> <p>7 which that paragraph that</p> <p>8 referred to was included and I</p> <p>9 know that I have typed summaries</p> <p>10 of other fact findings but I</p> <p>11 don't believe that I have the</p> <p>12 fact finding typed summary of</p> <p>13 that fact finding. And I'd like</p> <p>14 to request to have somebody</p> <p>15 follow that up and give that to</p> <p>16 me if it exists.</p> <p>17 DEPUTY KORMANIC:</p> <p>18 There was no typed</p> <p>19 summary.</p> <p>20 ATTORNEY KRAKOFF:</p> <p>21 Okay.</p> <p>22 BY ATTORNEY KRAKOFF:</p> <p>23 Q. Now, you recall a situation in</p> <p>24 July of 1993, approximately of July of</p> <p>25 1993 meeting with Lisa Lambert in the</p> |

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| <p style="text-align: right;">Page 102</p> <p>1 presence of Captain Lazenby who might not 2 had been a captain and I'm not sure what 3 his rank was. And R-A-U-N, who's rank 4 I'm not sure of at that point. Do you 5 recall bringing her into an office and 6 then the three of you saying something to 7 Lisa Lambert? 8 A. Yes. 9 Q. And can you explain what 10 transpired and --- do you recall --- 11 A. I want to clarify on that. I 12 believe just Captain Lazenby and myself 13 to be speaking at that. 14 Q. Was Raun present? 15 A. John Raun was present. 16 Q. And where did you encounter Lisa 17 Lambert immediately before going into an 18 office and where was the office? 19 A. Could you restate that? 20 Q. How did you first see Lisa 21 Lambert prior to going into that office 22 with her? Where was it? What office did 23 you go into, let me ask you that? 24 A. I believe we went into my office. 25 Q. Where was that located?</p> | <p style="text-align: right;">Page 104</p> <p>1 saying --- your testimony is that Lisa 2 Lambert was summoned to the office? 3 A. Yes. 4 Q. You didn't meet her outside the 5 office? 6 A. No. 7 Q. And then take her into the 8 office? 9 A. I really can't remember if I met 10 her outside. I know that she was brought 11 into the office. I don't know if she 12 walked on her own accord from her housing 13 unit at that or whether escorted. I 14 don't think we escorted her. 15 Q. Now, wasn't there a discussion 16 during the course of this meeting about 17 Lisa Lambert having complained to Deputy 18 Superintendent Utz about Raun's behavior 19 toward her --- alleged behavior toward 20 her? 21 A. Not that I can recall sir, no. 22 Q. Well, weren't you aware, prior to 23 that meeting, that Lisa Lambert had filed 24 a grievance about Raun? 25 A. I'm not sure if it was before or</p> |
| <p style="text-align: right;">Page 103</p> <p>1 A. I can't remember because I 2 changed offices here so many times. I 3 can't remember what specific office it 4 was. 5 Q. Did you change halls? 6 A. Yeah, I've changed buildings. 7 Q. So you don't remember what 8 building this meeting was in; is that 9 right? 10 A. I'm thinking it might have been 11 in Currie Hall. I can't recall exactly. 12 Q. And do you recall how you and 13 Lazenby and Raun happen to be together? 14 A. Well, we obviously planned this 15 meeting. If I remember correctly this 16 was over a letter or a card or a note of 17 some kind that the inmate was trying to 18 get to Officer Raun or and some staring 19 involved, where the inmate was staring at 20 Officer Raun and we were cautioning her, 21 warning her that this wasn't appropriate. 22 Q. Had Officer Raun come to you with 23 this? 24 A. Yes, he did. 25 Q. Now, where was Lisa --- you're</p> | <p style="text-align: right;">Page 105</p> <p>1 after the situation. 2 Q. Weren't you aware that she had 3 gone to Utz and complained about Raun's 4 alleged behavior toward her? 5 A. At that point, no. 6 Q. When did you become aware of it? 7 A. After the investigation had 8 already started. 9 Q. And who did you learn that from? 10 A. I really don't recall, sir. We 11 were --- obviously there's masses of 12 documents and things I really can't 13 recall. In going through the depositions 14 last year and everything. 15 Q. Did you turn --- did somebody in 16 the room pull the blinds down during that 17 meeting? 18 A. No, sir. 19 Q. You don't recall Raun doing that? 20 A. No, sir. 21 Q. Had you spoken with Raun prior to 22 this meeting about his allegations that 23 Lisa Lambert was staring at him? 24 A. When he reported it, yes. 25 Q. Is it your testimony that you</p> |

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| <p style="text-align: right;">Page 106</p> <p>1 were not aware through a grievance or in 2 any other way that Lisa Lambert had 3 complained about Raun's behavior toward 4 her? 5 A. Not that I can recall prior to 6 this incident. 7 Q. Do you recall at any point 8 conducting an investigation related to 9 complaints by Lisa Lambert involving 10 alleged inappropriate behavior on the 11 part of Raun? 12 A. Yes, sir. 13 Q. And what were --- what was the 14 complaint or what were the complaints 15 about? 16 A. To the best of my recollection 17 there was an involved incident on the 18 stairwell of Luder where he was that 19 allegedly had caused physical harm to 20 her. Grabbed a hold of her. 21 Q. Anything else? 22 A. No, there was no sexual 23 connotations in that complaint. 24 Q. Were there any allegations by 25 Lisa Lambert that she had been injured in</p> | <p style="text-align: right;">Page 108</p> <p>1 BY ATTORNEY KRAKOFF: 2 Q. While you were investigating. 3 During the time --- when were you 4 investigating the allegations brought by 5 Lisa Lambert about Raun's behavior? 6 A. I can't remember the exact dates 7 on that. 8 Q. Was it in 1994? 9 A. It might have been '93, '94. I 10 can't recall exactly. 11 Q. Let me show --- this isn't an 12 Exhibit. Let me show you a copy of a 13 letter dated June 1st, 1994 after I allow 14 Mr. Halloran to review it. Stated --- 15 it's signed by then Commissioner Joseph 16 Lehman and it's to the Lambert's. To 17 Leonard Lambert and I'm going to ask you 18 to review that. Just the first page. 19 Review the text of that, particularly the 20 second paragraph of the letter. 21 Does that refresh your 22 recollection in anyway in connection with 23 what you were investigating? What 24 allegations of Lisa Lambert were 25 investigating during that time period?</p> |
| <p style="text-align: right;">Page 107</p> <p>1 the course of that incident by Raun? 2 A. Yes. 3 Q. And did the investigation involve 4 any other allegations against Raun? 5 A. Not that I can recall. 6 Q. Wasn't there an allegation by 7 Lisa Lambert that Raun was harassing Lisa 8 because of her alleged fraternization 9 with male staff? 10 A. I'm really not sure. I know 11 there was something along the lines with 12 the hall --- the stairwell incident. 13 There was something about harassment and 14 stuff. I can't recall what specifically 15 she narrowed it down to whether it was 16 that. 17 Q. Well, were you aware that one way 18 or the other whether Lisa Lambert was 19 alleging that Raun was romantically 20 interested in her or sexually interested 21 in her either? 22 ATTORNEY HALLORAN: 23 Let me object to the form 24 of the question. You mean aware 25 before the meeting or ---</p> | <p style="text-align: right;">Page 109</p> <p>1 A. Well, in this letter here it's 2 specifically referring to the 3 investigation on myself of complaints of 4 harassment by Lisa Lambert against myself 5 and the way I conducted my investigation. 6 Besides recalling any other parts of my 7 investigation, this wouldn't refresh my 8 memory on that. 9 A. Well, it says the investigation 10 centered on Captain Bartlett because of 11 the claim that he harassed Lisa 12 concerning her alleged fraternization 13 with male staff. Okay. I understand 14 what you're saying. Do you recall that? 15 A. Do I recall the investigation on 16 myself? 17 Q. Allegations that you had harassed 18 Lisa? 19 A. Yes. Yes, I remember that 20 investigation. I was the subject of the 21 investigation. 22 Q. Right. And you denied it? 23 A. That's true. I did deny it. 24 Still do. 25 Q. Were you concerned about Lisa's</p> |

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| <p style="text-align: right;">Page 110</p> <p>1 alleged fraternization with male staff?</p> <p>2 ATTORNEY HALLORAN:</p> <p>3 I think you</p> <p>4 mischaractered ---. Objection to</p> <p>5 the form of the question.</p> <p>6 BY ATTORNEY KRAKOFF:</p> <p>7 Q. Why don't you clarify. I think I</p> <p>8 had originally misunderstood it but I</p> <p>9 think I understand it now.</p> <p>10 Were you concerned during this</p> <p>11 time period that Lisa Lambert was</p> <p>12 fraternizing with the male staff?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And what did the nature of the</p> <p>15 fraternization exist --- concern?</p> <p>16 A. At this point, it was like I said</p> <p>17 earlier, notes of some type to Officer</p> <p>18 Raun and staring at him.</p> <p>19 Q. So it was your concern that was</p> <p>20 limited to her alleged fraternization</p> <p>21 with one officer, namely Raun?</p> <p>22 A. Well, sir. You have to</p> <p>23 understand this was a very in depth</p> <p>24 investigation. We're talking about the</p> <p>25 Eicher/Lambert investigation, also</p> | <p style="text-align: right;">Page 112</p> <p>1 this time with her alleged fraternization</p> <p>2 with Eicher? Or are you not sure?</p> <p>3 A. I can't recall the time frame</p> <p>4 there. Like I said, there was an</p> <p>5 investigation which was concluded without</p> <p>6 merit. And then it was after my tenor as</p> <p>7 intelligence captain where another</p> <p>8 investigation started.</p> <p>9 Q. That was in '95?</p> <p>10 A. '95.</p> <p>11 Q. We're talking about June of '94.</p> <p>12 A. At this time here, if my memory</p> <p>13 serves me correctly I wasn't concerned</p> <p>14 about Eicher at this point.</p> <p>15 ATTORNEY KRAKOFF:</p> <p>16 I'd be interested in</p> <p>17 receiving the documents</p> <p>18 associated with the investigation</p> <p>19 of Captain Bartlett. The</p> <p>20 allegations that were made by</p> <p>21 Lisa Lambert. And also any</p> <p>22 documents associated with</p> <p>23 investigation of her claims</p> <p>24 against Raun, I'm not sure that I</p> <p>25 have all those documents.</p> |
| <p style="text-align: right;">Page 111</p> <p>1 involves John Raun. Obviously, I was</p> <p>2 concerned about any involvement with</p> <p>3 Officer Eicher as well.</p> <p>4 Q. So you were investigating</p> <p>5 allegations that she had been involved</p> <p>6 with Eicher at this time?</p> <p>7 A. I can recall, if that's what it</p> <p>8 might have been. I think it was earlier</p> <p>9 than that. The incident in Luder Hall.</p> <p>10 Q. Well, the date of this letter is</p> <p>11 June 1st, 1994.</p> <p>12 A. I understand that, sir.</p> <p>13 Q. Yes. And what I'm asking ---</p> <p>14 what I thought I asked earlier was</p> <p>15 whether you were concerned as of June</p> <p>16 1st, 1994 with Lisa Lambert having</p> <p>17 alleged --- being involved in alleged</p> <p>18 fraternization with members of the male</p> <p>19 staff?</p> <p>20 A. And I answered you, yes.</p> <p>21 Q. And then I think you said that</p> <p>22 you were concerned about her alleging</p> <p>23 fraternizing with Raun; is that correct?</p> <p>24 A. Correct.</p> <p>25 Q. And were you also concerned at</p> | <p style="text-align: right;">Page 113</p> <p>1 ATTORNEY HALLORAN:</p> <p>2 I believe that we</p> <p>3 produced all the ones with Raun.</p> <p>4 I don't think the investigation</p> <p>5 of Bartlett was really in the</p> <p>6 scope of your request.</p> <p>7 ATTORNEY KRAKOFF:</p> <p>8 Well, I think it is.</p> <p>9 ATTORNEY HALLORAN:</p> <p>10 We'll provide the</p> <p>11 Bartlett report. I think it</p> <p>12 would ---.</p> <p>13 BY ATTORNEY KRAKOFF:</p> <p>14 Q. Did you investigate whether Raun</p> <p>15 had been staring at Lisa Lambert in 1993,</p> <p>16 early 1994? You remember allegations</p> <p>17 that she made?</p> <p>18 A. The only thing that I can recall</p> <p>19 is the other way around where she was</p> <p>20 staring at him. I can't recall.</p> <p>21 Q. You don't recall any allegations</p> <p>22 by her that he was constantly staring at</p> <p>23 her or frequently staring at her?</p> <p>24 A. I can't recall that. It doesn't</p> <p>25 mean that it didn't happen. I just can't</p> |

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| <p style="text-align: right;">Page 114</p> <p>1 recall.</p> <p>2 Q. Then I'm going to move off of</p> <p>3 this. The only allegation that you can</p> <p>4 recall investigating in connection with</p> <p>5 Lisa Lambert was an incident where Raun</p> <p>6 allegedly came up against her in a</p> <p>7 hallway; isn't that correct?</p> <p>8 A. Stairwell.</p> <p>9 Q. In a stairwell I meant.</p> <p>10 A. Yes.</p> <p>11 Q. Wasn't that in October of 1994?</p> <p>12 A. I don't recall the date on that,</p> <p>13 sir.</p> <p>14 ATTORNEY HALLORAN:</p> <p>15 It was our cover in '94.</p> <p>16 ATTORNEY KRAKOFF:</p> <p>17 Right. But I think this</p> <p>18 whole thing started with what was</p> <p>19 going on at the meeting. I'm</p> <p>20 trying to determine what that</p> <p>21 meeting was all about.</p> <p>22 BY ATTORNEY KRAKOFF:</p> <p>23 Q. The allegations that were made by</p> <p>24 Lisa Lambert, if you refer to Exhibit 10,</p> <p>25 the third page.</p> | <p style="text-align: right;">Page 116</p> <p>1 allegedly occurred in October of '94; is</p> <p>2 that correct?</p> <p>3 A. October of '94, that would be</p> <p>4 correct.</p> <p>5 Q. So as of June 1994, and June 1st,</p> <p>6 1994 is the date that Mr. Lehman writes</p> <p>7 Leonard Lambert and said that you did a -</p> <p>8 -- you did your job as an intelligence</p> <p>9 captain investigating something ---</p> <p>10 A. That was prior to ---</p> <p>11 Q. --- associated with Lisa Lambert;</p> <p>12 correct?</p> <p>13 A. That was prior to this incident,</p> <p>14 yes.</p> <p>15 Q. What were you investigating?</p> <p>16 A. I believe that would have been</p> <p>17 the initial incident with her and being</p> <p>18 on the fourth floor of Luder, when she</p> <p>19 had her blackouts.</p> <p>20 Q. With Eicher?</p> <p>21 A. Yeah. I believe. I'm not 100</p> <p>22 percent sure.</p> <p>23 Q. I understand. Okay. I --- let</p> <p>24 me refer you to Exhibit 11. I think</p> <p>25 these are documents associated with her</p> |
| <p style="text-align: right;">Page 115</p> <p>1 ATTORNEY HALLORAN:</p> <p>2 Where in the book are</p> <p>3 you?</p> <p>4 ATTORNEY KRAKOFF:</p> <p>5 Exhibit 10, first volume.</p> <p>6 A. And what page, sir.</p> <p>7 BY ATTORNEY KRAKOFF:</p> <p>8 Q. If you see a third page, the</p> <p>9 fourth page, the fifth page and actually</p> <p>10 most specifically the sixth page. I</p> <p>11 think if you review this that confirms,</p> <p>12 does it not, that this incident occurred</p> <p>13 in October '94, the alleged encounter</p> <p>14 with Raun where he --- in the stairwell?</p> <p>15 Do you see the dates?</p> <p>16 A. Yes, you gave me several pages to</p> <p>17 go through, sir. Can you please give me</p> <p>18 time to review that?</p> <p>19 Q. Okay, then.</p> <p>20 A. The files are hard to read.</p> <p>21 Q. I know that. Do you agree that</p> <p>22 any investigation of the allegations</p> <p>23 against Raun involving the stairwell</p> <p>24 incident would have occurred in October</p> <p>25 of 1994 or later because the event</p> | <p style="text-align: right;">Page 117</p> <p>1 being in an unauthorized area. And this</p> <p>2 is April of '94; is that correct? And</p> <p>3 you can see page 13 is a misconduct</p> <p>4 report related to that incident.</p> <p>5 A. Yes.</p> <p>6 Q. And I think you were the charging</p> <p>7 officer?</p> <p>8 A. Yes, I was.</p> <p>9 Q. Now, let me refer you to Exhibit</p> <p>10 Four. This concerns a complaint by Lisa</p> <p>11 Lambert against Officer Raun. You can</p> <p>12 see that, according to the second page of</p> <p>13 this document --- the third page of this</p> <p>14 document. You see where it says</p> <p>15 synopsis.</p> <p>16 A. Uh-huh (yes).</p> <p>17 Q. According to this the</p> <p>18 investigation was authorized by Vaughn</p> <p>19 Davis on May 18th predicated on the</p> <p>20 complaint from Lisa Lambert. Did you</p> <p>21 have any involvement --- and you can see</p> <p>22 what those allegations are. Among other</p> <p>23 things he allegedly threw stones at her</p> <p>24 housing unit window, about them kissing,</p> <p>25 allegedly, his writing her notes, et</p> |

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| <p style="text-align: right;">Page 118</p> <p>1 cetera, et cetera. Did you have any 2 involvement in this investigation? 3 A. The one on Michael Wolanin. You 4 referring to the one report of Michael 5 Wolanin. 6 Q. That's right. I know that he 7 conducted an investigation and what I 8 want to know is whether you were involved 9 in that investigation? 10 A. I don't believe that I was 11 directly involved in that investigation. 12 Q. Were you indirectly involved 13 other than acting as liaison? 14 A. Not that I can recall, sir. 15 Q. Let me refer you to Exhibit 35. 16 It's toward the end. It's marked 17 confidential. I think it's further back. 18 A. I have it. 19 Q. Do you have it? This document is 20 dated the 19th of September 1994. This 21 document was issued under your name. Is 22 that your signature? 23 A. Yes, it is. 24 Q. And what was your reason for 25 writing Superintendent Wolfe? What did</p> | <p style="text-align: right;">Page 120</p> <p>1 have a copy of the Donahue 2 incident report describing this. 3 I'd like to request that. 4 BY ATTORNEY KRAKOFF: 5 Q. In any event, Officer Donahue 6 expressed her concern about what she had 7 observed between White and Miller; hadn't 8 she? 9 A. Yes. 10 Q. And you wrote Captain Bartlett 11 (sic) and told him that you thought that 12 Miller was just overly friendly and as I 13 quote, touchy type of person. 14 ATTORNEY HALLORAN: 15 I object. The document 16 speaks for itself. 17 ATTORNEY KRAKOFF: 18 I understand that. But 19 this is a preface to a question. 20 BY ATTORNEY KRAKOFF: 21 Q. What led you to believe that --- 22 were you writing when you said that he 23 was just overly friendly. Were you 24 referring to the Donahue --- what 25 happened between Miller and Donahue</p> |
| <p style="text-align: right;">Page 119</p> <p>1 this incident concern? 2 A. If you can let me review that and 3 then ask me questions? 4 Q. Sure. Now, this memo that you 5 sent to Superintendent Wolfe actually 6 concerned two people. One was a staff 7 member. That was Officer Donahue and 8 then the other concerned an inmate who 9 was working with Mr. Miller; isn't that 10 correct? 11 A. Uh-huh (yes). Yes. 12 Q. And Officer Donahue had 13 --- you were describing or at least 14 summarizing a report issued by Officer 15 Donahue where she stated that she 16 observed an inmate by the name of White 17 with her chest and arm in contact with 18 Mr. Marty Miller. Do you recall the 19 first name of the inmate who's identified 20 as White? 21 A. No, I do not. 22 Q. By the way, we do not have a copy 23 of the ---. 24 ATTORNEY KRAKOFF: 25 I don't believe that we</p> | <p style="text-align: right;">Page 121</p> <p>1 allegedly happen or about what Donahue 2 had observed happening between White and 3 Miller? 4 A. You confused me with that 5 question. 6 Q. Well, Donahue thought that --- 7 she said that she backed out of the room 8 running into Mr. Miller who put his arm 9 around her and pulled her to him. So 10 there were two things. One was White's 11 chest against Miller. 12 A. Uh-huh (yes). Yes, sir. 13 Q. And an arm came in contact with 14 him and the other was Miller pushing 15 Donahue toward him. Two things; correct? 16 A. I don't believe it says pushing 17 her towards me. He put his arm around 18 her. 19 Q. Well, he pulled her to him; 20 right? He put his arm around her and 21 pulled him to her. 22 A. Okay. 23 Q. Now, when you were characterizing 24 Miller as just overly friendly and a 25 touchy-type of person, were you ---.</p> |

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| <p style="text-align: right;">Page 122</p> <p>1 ATTORNEY HALLORAN: 2 Now, wait. I'm going to 3 object to the form of question. 4 And read the entire last 5 paragraph. If you're going to 6 read, don't refer to that one 7 sentence. 8 ATTORNEY KRAKOFF: 9 Well, it --- yes, it says 10 that I advised him to leave that 11 part of himself outside the 12 fence. I believe no further 13 action is necessary. I 14 understand that. 15 BY ATTORNEY KRAKOFF: 16 Q. But when you were saying that he 17 was just overly friendly. He was a 18 touchy-type of person. Were you 19 referring to his pulling the officer 20 toward him or were you referring to White 21 having her chest and arm against Miller 22 or were you referring to both? 23 A. I believe that it was --- it 24 might have been both and also my own 25 personal dealing with Marty Miller.</p> | <p style="text-align: right;">Page 124</p> <p>1 between having that sort of contact and 2 having an inmate who's chest is against 3 them; isn't there? 4 A. She was fully clothed at this 5 point, you have to recall. It wasn't 6 like she was --- I don't think there was 7 any sexual connotation involved in this. 8 She had come from behind him with her 9 chest and put her arm on the guy. 10 Q. Right. And her chest was against 11 Miller; isn't that --- is that something 12 that is permitted under the code of 13 ethics? 14 A. No, that's contact, you know, 15 that's the exact point I was trying to 16 make with the man. You shouldn't allow 17 this type of behavior to take place. At 18 that point, if an inmate makes a contact 19 with you, you should stop. Don't do this 20 and report it. 21 Q. Let me refer to Exhibits 37 --- 22 A. Can I clarify. This was from 23 behind (indicating). They only came up 24 from behind them. It wasn't like chest 25 to chest. It was --- she came up from</p> |
| <p style="text-align: right;">Page 123</p> <p>1 That's the type of person he was. He'd 2 even put his arm around me when he was 3 talking to me. 4 Q. Right. 5 A. This is the type that he is. 6 Q. Did he ever pull you toward him? 7 A. Oh, yeah. Can I demonstrate? 8 Q. Yeah. 9 WITNESS DEMONSTRATES 10 A. He'd come right up and do one of 11 these here, how you doing, type of thing. 12 And that's what Officer Donahue 13 described. And it's what I was trying to 14 explain to him. You can't be doing that 15 in this type of setting, especially with 16 an inmate. An inmate shouldn't feel 17 comfortable enough to come up to you and 18 do that to you because of his behavior 19 where he's a touchy kind of person, you 20 know. There are people that's their 21 personality. They talk to you. They put 22 a hand on you or they put their arm 23 around you, pat you on the back. 24 BY ATTORNEY KRAKOFF: 25 Q. Well, there's a big difference</p> | <p style="text-align: right;">Page 125</p> <p>1 behind him. 2 Q. What did she do? 3 A. I guess leaned up against him and 4 put her arm on him. 5 Q. While they were working? 6 A. Yes. 7 Q. Was she in the process of doing 8 something in connection with work when 9 she put her chest up against him? 10 A. From what I can recall, no. It 11 was just a friendly gesture. She just 12 went up there. Went up to him but it was 13 --- just to clarify that, you know. You 14 keep stressing chest. It was her chest 15 to his back. And her arm. 16 Q. Now, Exhibit 37. You see where 17 you said paragraph three. This is a memo 18 from you to Wolfe, to Superintendent 19 Wolfe. 20 A. Uh-huh (yes). 21 Q. The third paragraph. The third 22 number paragraph. You wrote on December 23 30, 1994, I also spoke to Mr. Marty 24 Miller an inmate J. White in regard to 25 sexual contact allegations. I gave both</p> |

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| <p>1 parties their miranda rights and advised 2 Mr. Miller of his duty under the code of 3 ethics to cooperate with an 4 investigation. And then it goes on, 5 inmate Miller denies any sexual contact. 6 She admits that they joke around and that 7 Mr. Miller pats them parenthesis the 8 whole crew close paren, on the back when 9 they do a good job. 10 Now, and then it goes on to say 11 that she was going to be removed --- 12 she'd like to be removed from the crew to 13 avoid her name being brought up again. 14 Now, you had already spoken with 15 Miller before September 19, 1994 about 16 the incident that Donahue had reported; 17 correct? 18 A. Yes. 19 Q. Now, why did you speak with on 20 December 30th, about three months later 21 --- why did you speak with Miller and 22 White again, in regard to sexual contact 23 allegations and what did those 24 allegations consist of? 25 A. I really can't recall what</p> | <p>1 A. I just said I don't recall that. 2 ATTORNEY KRAKOFF: 3 I'd like to ask if there 4 are any other documents 5 associated with this December 6 30th discussion with Miller and 7 White. I'd like to see those 8 documents. 9 BY ATTORNEY KRAKOFF: 10 Q. Now, something that I noticed was 11 that you gave both parties the miranda 12 rights. Why was White mirandarized? 13 A. That was something we were told 14 to do at our training. 15 Q. To mirandarize the alleged victim 16 as well as the staff member? 17 A. And the possibility that there 18 might be criminal charges either way. 19 Q. Now, if there's alleged sexual 20 contact between an inmate and a member of 21 the staff, it was my impression that as a 22 matter of policy criminal charges aren't 23 brought against the female inmate. I'm 24 excluding the situation where an inmate's 25 alleged --- has allegedly raped or</p> |
| Page 127 | Page 129 |
| <p>1 brought that on again. 2 Q. It was something else though 3 wasn't it? 4 A. I'm not sure. 5 Q. Well, was the first allegation 6 the one of sexual contact? What occurred 7 on September 15, 1994 according to 8 Officer Donahue's report. Was that 9 sexual contact? 10 A. No, there --- 11 Q. But now on the December 30th, 12 you're speaking with Miller and White 13 about allegations of sexual contact; 14 correct? 15 A. That's what it says but I can't 16 recall if it was referring back to the 17 Donahue incident or if there's a separate 18 incident. I don't recall. And it's an 19 investigation that was ordered by the 20 Superintendent and I can't recall if 21 there was an order to do a separate 22 investigation or not. 23 Q. Were there any other documents 24 generated in connection with that, to 25 your knowledge?</p> | <p>1 somehow engaged in some sort of a 2 physical or sexual assault, you know, 3 with a knife or does something like that. 4 Was there something about this incident 5 that gave you reason to believe that Ms. 6 White might be the subject of criminal 7 charges? 8 ATTORNEY HALLORAN: 9 Objection. Asked and 10 answered. 11 ATTORNEY KRAKOFF: 12 I don't think I asked him 13 that. 14 ATTORNEY HALLORAN: 15 He answered. He was 16 trained to give --- to 17 mirandarize both the complaintive 18 and the --- 19 BY ATTORNEY KRAKOFF: 20 Q. That's in all situations 21 involving alleged sexual interaction 22 between a staff member and an inmate? 23 A. Should be, yes. 24 Q. You mirandarize both? 25 A. Yes.</p> |

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| <p style="text-align: right;">Page 130</p> <p>1 Q. And when you mirandarize them you 2 tell the inmate, according to the warning 3 that anything that the inmate says could 4 be used against her; don't you? 5 A. Yes, that's part of the miranda 6 warning, sir. 7 Q. Doesn't that discourage inmates 8 from discussing incidents of sexual abuse 9 if you're warning them that they might 10 possibly be criminally charged as a 11 result of what they say? 12 ATTORNEY HALLORAN: 13 Objection. That's for a 14 legal conclusion. 15 BY ATTORNEY KRAKOFF: 16 Q. Well, you're an investigator, 17 don't you suspect that would have a 18 chilling effect on your interviews of 19 inmates in such situations? 20 A. That would be conjuncture on my 21 part. 22 Q. So you don't have an opinion in 23 that regard? 24 A. No. 25 Q. Now, what about witnesses to</p> | <p style="text-align: right;">Page 132</p> <p>1 Q. Do you know what the purpose is 2 --- was that explained to you during your 3 training the purpose of mirandarizing the 4 alleged victim, i.e. the inmate? 5 A. I know one of the reasons is the 6 possibility of filing false reports. If 7 the person is outright lying and there's 8 proof that they're filing a false report 9 then they're already --- mirandarizing 10 them at that point lets them know. 11 Q. Well, do you explain to the 12 inmate that you're mirandarizing her 13 because she could be prosecuted for 14 filing a false report? 15 A. Not always, no. 16 Q. Sometimes? 17 A. Sometimes. 18 Q. Most of the times? 19 A. Sometimes. 20 Q. Do you instruct your staff to 21 warn them as to why they are being 22 mirandarized or advise them as to why 23 they're being mirandarized? 24 A. No. 25 Q. And is filing a false grievance</p> |
| <p style="text-align: right;">Page 131</p> <p>1 alleged conduct of the sexual nature 2 between an inmate and a staff member. 3 Are witnesses ever mirandarized? 4 A. Not usually, no. Usually, I 5 would, if it were staff members I would 6 advise them of their responsibility of 7 the code of ethics that they would 8 cooperate with an investigation. 9 Q. As a staff member? 10 A. Yes. 11 Q. I'm talking about an inmate? 12 A. Inmates, no. 13 Q. They're not mirandarized? 14 A. Not as witnesses, no. 15 Q. So the --- okay. So that I 16 understand it, if an inmate --- would you 17 ever have a situation where an inmate 18 came to you and said, in effect I've been 19 the subject of some sort of sexual abuse 20 or exploitation by a staff member? 21 A. I can't recall an inmate 22 specifically coming to me and reporting 23 it. I always gotten my investigations, 24 you know, from the Superintendent or 25 other sources.</p> | <p style="text-align: right;">Page 133</p> <p>1 or filing a false inmate request to 2 staff, is that something that you believe 3 could be the subject of a criminal 4 charge? 5 A. It could be but I've never seen 6 it done. 7 Q. Now, let me refer you to Exhibit 8 38. Can you review this document which 9 is a May 22nd, 1995 memo to Lieutenant 10 Beck from CO Laurie Donahue. Okay. I 11 know that you were no longer the 12 intelligence captain at this point, but 13 does what is alleged described by CO 14 Donahue, does that violate any policy or 15 code that was in existence at that time 16 at Cambridge Springs? 17 A. I don't understand your question. 18 Q. Well, Donahue was complaining, 19 maybe I shouldn't use the word 20 complaining. She was describing the fact 21 that something didn't add up in her on 22 way, namely that Miller had on at least 23 three occasions that she knew of, 24 personally contacted, had contacted with 25 E. Johnson regarding employment on his</p> |

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| <p style="text-align: right;">Page 134</p> <p>1 crew. Now, is there anything --- is 2 there any rule or policy, that you're 3 aware of personally that prohibits a 4 member of the staff from contacting on 5 his or her own an inmate about 6 employment? 7 A. Recruiting employment for their 8 --- I'm not aware of any. 9 Q. So what is described by Laurie 10 Donahue, CO Donahue, isn't something that 11 would raise concerns in your mind about 12 Miller and his contact with inmates; is 13 that correct? 14 A. Well, you're asking a different 15 question there. 16 Q. Does it raise any concerns? 17 A. Considering the previous 18 investigations with him being too close 19 to, you know, the touchy, feely stuff. 20 That would raise a concern of why is he 21 partially seeking out. None of this 22 happened previously because it happens 23 where you get, you know, you might get 24 information that this girl had plumbing 25 experience prior to coming to the</p> | <p style="text-align: right;">Page 136</p> <p>1 spelled? 2 A. J-A-N-N-E-L-L. No E on the end. 3 BY ATTORNEY KRAKOFF: 4 Q. We talked earlier about this --- 5 a little about the CO Hammers' situation. 6 Let me refer you to Exhibit 96. That's a 7 memo from Superintendent Wolfe to you 8 dated March 7, 1995. 9 And it reads, based upon the 10 information you recently provided to me 11 regarding an allegation of CO2, Hammers 12 was observed by an unidentified 13 corrections officer trainee engaged in a 14 sexual act with an unidentified inmate. 15 I'm hereby directing you to conduct a 16 formal investigation into this matter. 17 Please keep me updated on your progress. 18 And I'm wondering if you can 19 recall being informed by the 20 Superintendent what the nature of the 21 sexual act was? 22 A. I really don't recall. Again, 23 when you mentioned Hammers earlier, I 24 remembered there was something and I --- 25 this doesn't help me to --- unless you</p> |
| <p style="text-align: right;">Page 135</p> <p>1 institution. He wants to talk to her and 2 find out if she indeed did and, you know, 3 would she want to be on his crew that's 4 ---. 5 Q. I think that what you're saying 6 is that in a vacuum that wouldn't raise 7 concerns to you, in your mind. 8 A. Correct. 9 Q. But based upon the other 10 allegations about Miller that would raise 11 possible concerns? 12 A. I would say so, yes. 13 Q. An officer or another member of 14 this staff by the name of Auxier, 15 A-U-X-I-E-R? 16 A. Yes. 17 Q. And who is that person? 18 A. Jannell Auxier, yes. 19 Q. Okay. 20 A. She's a CO1. 21 ATTORNEY LOVE: 22 Jannell. 23 A. Uh-huh (yes). 24 ATTORNEY LOVE: 25 Do you know how that's</p> | <p style="text-align: right;">Page 137</p> <p>1 can find my report back to the 2 Superintendent. I really can't recall. 3 Q. You'll see 97, the next date, two 4 days later there's --- it's Exhibit 97. 5 And it's a report of extraordinary 6 occurrence from Foster to Kormanic. And 7 you're cc'd on this. Do you recall any 8 --- and 98 speaks to the same issue. Do 9 you recall anything about alleged 10 harassment on the part of Hammers against 11 another officer? Concerning an alleged 12 snitch about Hammers' alleged sexual 13 misconduct. 14 A. Give me a minute please. 15 Q. Okay. 16 A. Ask the question again, please? 17 Q. Do you recall investigating 18 allegations by an officer trainee by the 19 name of Bruce Allen that he had been 20 harassed by CO Hammers because Allen 21 allegedly had snitched on him? 22 A. Yes, the document helps refresh 23 my memory on that. 24 Q. And in fact, Wolfe had made 25 reference to, in Exhibit 96, to an</p> |

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| <p style="text-align: right;">Page 138</p> <p>1 unidentified corrections officer trainee 2 having observed Hammers engaging in a 3 sexual act; isn't that true? 4 A. Yes. 5 Q. Does this refresh your 6 recollection --- does this help you 7 identify who the trainee was who 8 identified Hammers; was it Allen? 9 A. I believe it was. 10 Q. And you'll --- 11 A. I couldn't remember who Allen 12 was. 13 Q. And you'll see Exhibit 100. You 14 see the large paragraph containing a 15 summary of what you said. 16 A. You want me to review that? 17 Q. Yes, and tell me if this 18 refreshes your recollection about --- 19 A. The large paragraph that says 20 Captain Bartlett on it? 21 Q. Yes, the incident --- where it 22 says the incident report states. 23 A. Confusing. It's making it sound 24 like it's coming from somebody else 25 besides me because they're directing</p> | <p style="text-align: right;">Page 140</p> <p>1 Q. Did you learn from either officer 2 Hammers or --- let me ask you that first. 3 Did you learn that --- did Officer 4 Hammers admit to you that he had engaged 5 in sexual intercourse with Maysonet? 6 A. I don't recall. I believe he 7 denied. 8 Q. Oral sex? 9 A. I believe he denied all 10 allegations. 11 Q. Denied everything? 12 A. Yeah, if I remember correctly. 13 Q. What was the result of your 14 investigation? What was determined? 15 A. I don't recall. I'd have to read 16 through all the --- 17 Q. You have no independent 18 recollection? 19 A. No, until we started going over 20 this morning, I didn't even remember 21 Allen's name. 22 Q. Is Hammers still here? 23 A. No. 24 Q. Did he resign? 25 A. He was either terminated or</p> |
| <p style="text-align: right;">Page 139</p> <p>1 follow of chain of command. Talk to me 2 and trust me and the deputy. But the 3 paragraph ---. 4 Q. In any event, does this refresh 5 your recollection that Hammers had 6 allegedly been involved with an inmate by 7 the name of Maysonet? 8 A. Yes. 9 Q. And the contact described by 10 Allen had occurred in the bathroom and at 11 other places, an open rec in the bathroom 12 and other places in the institution; is 13 that correct? 14 A. Yes. 15 Q. What is meant by open rec in the 16 bathroom? Is that a name of a building? 17 What is that? 18 A. Open recreation took place in the 19 dietary building. 20 Q. Okay. 21 A. And at that time in inclement 22 weather instead of having outside yard 23 we'd have open rec that took place in the 24 inmate dining hall and there are inmate 25 bathrooms there in that area.</p> | <p style="text-align: right;">Page 141</p> <p>1 resigned. I can't recall. 2 Q. Let me refer you to Exhibit 11. 3 You see it says, 3/10/95 and then it has 4 signatures on that Exhibit, Bartlett, 5 Caption 3:10? 6 A. Right, Bartlett. 7 Q. Is that your signature. 8 A. Yes, it is. 9 Q. Is that your printing, that Mr. 10 Allen ---? 11 A. Okay. I see that part, yes. 12 Q. Is that correct? 13 A. Yes. 14 Q. And do you have any idea about 15 how --- first of all do you know whether 16 Bruce Allen was identified as the officer 17 trainee who had quote snatched on 18 Hammers; did that information come out 19 around the institution? 20 A. I believe it did. 21 Q. Do you have any idea or 22 information about the source of that 23 leak? 24 A. Just going back here from Mr. 25 Allen's statements that Officer Hammers</p> |

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| <p style="text-align: right;">Page 142</p> <p>1 had told Officer Manville that. It would 2 be an assumption on my part but I'd say 3 it went from there. 4 Q. Now, as a matter of policy or 5 practice if a staff member --- there had 6 been occasions where a staff member has 7 resigned while allegations of sexual 8 misconduct on his part against an inmate 9 were still being investigated. You 10 testified to that; correct? 11 A. Yes. 12 Q. And as a matter of policy or 13 practice, once the investigation --- once 14 a resignation is made does the 15 investigation continue or is the 16 investigation terminated? 17 A. It's been my experience that it 18 terminates when they resign. And in --- 19 except in the cases where there was 20 criminal prosecution already ongoing. 21 ATTORNEY KRAKOFF: 22 I understand that. I'm 23 going to take just a two minute 24 break. We're in the final 25 stages. I don't see this going</p> | <p style="text-align: right;">Page 144</p> <p>1 misconduct by staff members against 2 inmates? 3 A. Not that I can recall from Mr. 4 Barr. 5 Q. Let me refer you to Exhibit 122, 6 which is in the second volume. There's a 7 newspaper article by a Dick Blood. 8 ATTORNEY HALLORAN: 9 I'm going to object to 10 any questions regarding to the 11 transfer and also on basis of 12 hearsay regarding the newspaper 13 article. 14 ATTORNEY KRAKOFF: 15 I'm not going to bring 16 this in for the truth. I'm using 17 this as a launch for question. 18 BY ATTORNEY KRAKOFF: 19 Q. If you care to, you can read the 20 whole article. But I could summarize. 21 A. I've read it before. 22 Q. And basically it's recounting 23 some testimony by Rhonda Boyd and Yvonne 24 Wright, two Cambridge Springs inmates. 25 And then it says and it's attributing</p> |
| <p style="text-align: right;">Page 143</p> <p>1 more than 10 or 15 more minutes. 2 So we're more or less on 3 schedule. 4 SHORT BREAK TAKEN 5 BY ATTORNEY KRAKOFF: 6 Q. Did you ever have any discussions 7 with Ms. Wolfgang or were you ever 8 present when Ms. Wolfgang discussed 9 allegations of sexual exploitation or 10 abuse on the part of staff members 11 against inmates? 12 A. I can't recall. 13 Q. You can't recall --- 14 A. I believe --- I don't know about 15 sexual. I believe that she was involved 16 with me with the John Raun stairwell 17 incident. 18 Q. But apart from that you have no 19 recollection? 20 A. No, sir. 21 Q. Did Mr. Barr, the Administrative 22 Assistant to the Superintendent ever 23 bring to your attention allegations he 24 had received either through inmate 25 grievances or otherwise of alleged sexual</p> | <p style="text-align: right;">Page 145</p> <p>1 this. I'm not bringing this in for the 2 truth. It says in the left-hand column 3 of the second page. It says, in the very 4 last paragraph in the left hand column it 5 says, Boyd and Wright said they witnessed 6 no change from policy and procedures 7 after charges were brought against 8 employees. However, Sergeant Terri 9 Pelletier, president of the local union 10 for officers at Cambridge Springs said 11 changes were made. Surveillance cameras 12 were installed and a policy adopted that 13 prohibits male employees from being with 14 only one inmate at a time. 15 So we have, you know, two poles. 16 Two inmates who were representing that no 17 changes have been made and then Terri 18 Pelletier saying yes, there had been 19 changes, two of them. One, surveillance 20 cameras had been installed. And two, 21 there was a policy that prohibited --- 22 male employees from being with only one 23 inmate at a time. 24 And I'm asking you whether you 25 were aware of either of those two changes</p> |

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| <p style="text-align: right;">Page 146</p> <p>1 that Terri Pelletier represents occurred 2 and secondly, whether you were aware of 3 any other changes in policy after the 4 prosecutions of Eicher and/or Miller or 5 Walton? 6 A. I don't recall any specific 7 policy changes. I do recall the fact 8 that we did install security cameras and 9 they were still in the process of doing 10 that when I left. I'm not sure if they 11 finalized all the areas they were going 12 to put them in or not. 13 Q. Do you recall some of the areas 14 that they were going to install security 15 cameras in? 16 A. Oh, yeah. 17 Q. Can you advise? 18 A. Currie Hall, Alliance Hall and 19 the housing units. 20 Q. On each of the floors? 21 A. Yes. 22 Q. Inside rooms or just on the --- 23 A. In the hallways. Hallways and 24 dayrooms. 25 Q. Any maintenance areas?</p> | <p style="text-align: right;">Page 148</p> <p>1 detail. I received a lot of documents 2 associated with disciplinary action that 3 was taken against you. And I ask you --- 4 ATTORNEY HALLORAN: 5 Objection to the 6 relevance. And the relevance is 7 outweighed by prejudicial rule. 8 ATTORNEY KRAKOFF: 9 You can reserve all --- 10 you can make the objections if 11 you want but I understand that 12 we're reserving objections, 13 except as to form. 14 BY ATTORNEY KRAKOFF: 15 Q. Did you appeal --- did you file a 16 grievance, whatever you call it, after a 17 decision was rendered in your case, after 18 disciplinary sanctions were empassed? 19 A. If you're asking if I appealed 20 the disciplinary action myself, yes, I 21 did. 22 Q. And what is the status of that 23 now. 24 A. Still pending. 25 Q. And where is it pending?</p> |
| <p style="text-align: right;">Page 147</p> <p>1 A. In the hall --- Currie Hall is 2 partially maintained. And the hallways 3 of that area. 4 Q. How had those areas been 5 monitored before, just by eye? 6 A. Yes, visual patrol. 7 Q. And what, if anything, do you 8 know about a change --- anything about a 9 policy prohibiting male employees from 10 being with only one inmate at a time. Do 11 you know anything about that? 12 A. I don't recall any specific 13 policy. I know it was always our advice 14 to staff not to go one-on-one with an 15 inmate. 16 Q. And that proceeded those criminal 17 prosecutions? 18 A. Yes. 19 Q. Are you aware of any changes that 20 occurred as a result of the criminal 21 prosecutions; changes in policies? 22 A. No, good policies in relation to 23 this were already there. 24 Q. Yes. Okay. Now, you testified 25 earlier and I am not going to go into</p> | <p style="text-align: right;">Page 149</p> <p>1 A. At the Civil Service Commission. 2 Q. Have arguments been made yet? 3 A. Yes, everything's --- all the 4 briefs have been filed. It's just --- 5 Q. Waiting for the decision? 6 A. --- pending the review on their 7 decision. 8 Q. Now, I take it that you've not 9 --- at least I have no documents --- that 10 you've not been accused of any sort of 11 form of sexual abuse or exploitation of 12 Cambridge Springs inmates while you were 13 --- during the entire time you were 14 employed here; is that correct? 15 A. That is correct, sir. 16 Q. Were there any occasions where an 17 inmate or it came to your attention that 18 an inmate had accused you of physical 19 abuse? By physical abuse, I'm talking 20 about excessive use of force? 21 A. Yes. 22 Q. And who did that involve? 23 ATTORNEY HALLORAN: 24 Objection to the 25 relevancy of the question.</p> |

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| <p style="text-align: right;">Page 150</p> <p>1 A. I can't recall their names. If I 2 remember correctly. There's two specific 3 situations. I can't remember what the 4 inmate's name other than a larger black 5 female. 6 BY ATTORNEY KRAKOFF: 7 Q. Did they involve two different 8 incidents? 9 A. Yes. 10 Q. Do you recall the years? 11 A. No. 12 Q. Did one of them involve a Colleen 13 Hughes? 14 A. Yes. 15 Q. She wasn't the taller --- 16 A. No, she was a petite small woman. 17 Q. And what --- did this occur in 18 July of 1994, the alleged abuse? 19 A. I really don't recall. It's --- 20 Q. Do you recall what the 21 allegations were? 22 A. In both cases, it was allegations 23 of using excessive force. 24 Q. Did Ms. Hughes accuse you of 25 picking her up and body slamming her into</p> | <p style="text-align: right;">Page 152</p> <p>1 have been from another institution. 2 Q. And you recall what the outcome 3 was? 4 A. I was cleared. 5 Q. And what did the second one 6 alleged occurred, in general? 7 A. During questioning, she alleged 8 that I pushed her into the wall in my 9 office. 10 Q. Did she allege any injuries? 11 A. Yes, she alleged that her neck 12 was injured. 13 Q. Did Ms. Hughes allege any 14 injuries? 15 A. I can't recall if she alleged 16 injuries or not. 17 Q. Did you know a former dietary 18 instructor by the name of Lisa Stratton? 19 A. Stratton? 20 Q. Yes. 21 A. No. 22 Q. Regardless of her name, did you 23 know a female dietary instructor? 24 A. I think you're referring to Lisa 25 Stallard (phonetic).</p> |
| <p style="text-align: right;">Page 151</p> <p>1 a glass door between Currie Hall and 2 operations? 3 A. Yes. 4 Q. And then dragging her up the 5 sidewalk like a dog? 6 A. That was the allegations. They 7 were unfounded. 8 Q. And she alleges that she was 9 handcuffed at the time? 10 A. Yes, she was handcuffed at the 11 time. 12 Q. And was an investigation 13 conducted? 14 A. Yes, what she's failing to tell 15 you is that she just kicked an inmate in 16 the stomach, while she was handcuffed and 17 being escorted to the REQ by myself. 18 Q. Okay. 19 A. Another officer. 20 Q. What --- who investigated --- who 21 conducted the investigation? 22 A. I can't recall. 23 Q. Was it central office? 24 A. I believe it might have been 25 central office, I can't recall. It might</p> | <p style="text-align: right;">Page 153</p> <p>1 Q. Oh, okay. Stallard. And did she 2 make any allegations about --- regarding 3 your behavior toward her? 4 A. Not that I can recall. 5 Q. Did you ever attempt to pressure 6 her into having sex with you? 7 A. No, sir. 8 Q. You didn't say, you either sleep 9 with me or you lose your job, or words to 10 those effect? 11 A. No, sir. 12 Q. I'd like you --- I'm going to ask 13 you a question or two about Exhibit 13, 14 which is in the first volume. 15 Would you read that to yourself. 16 And then I'm going to ask you this part 17 of the question about the previous 18 Exhibit, which is a statement from Lisa 19 Lazalle, I'm not sure how to pronounce 20 it. Did you read 12 as well? 21 A. Yes. 22 Q. Now, did you interview Eicher? 23 A. Yes. 24 Q. That was on the 11th of April; 25 correct?</p> |

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| <p style="text-align: right;">Page 154</p> <p>1 A. Yes. Right.</p> <p>2 Q. And was it your practice when you</p> <p>3 interviewed a staff member to be one-to-</p> <p>4 one with the staff member or did you</p> <p>5 interview him in the presence of somebody</p> <p>6 else? I shouldn't ask that. Was it your</p> <p>7 practice, as a general rule, to go one-</p> <p>8 on-one with a staff member who you were</p> <p>9 investigating?</p> <p>10 A. With the staff member, yes. It</p> <p>11 usually was one-to-one.</p> <p>12 Q. Okay.</p> <p>13 A. Sometimes I would have another</p> <p>14 --- particularly if it was a female staff</p> <p>15 member. I would have Lieutenant Scott or</p> <p>16 somebody else.</p> <p>17 Q. Was it your --- but if it was a</p> <p>18 male you would generally be one-on-one?</p> <p>19 A. Generally, yes.</p> <p>20 Q. In your office?</p> <p>21 A. Yes.</p> <p>22 Q. Would you tape record as a</p> <p>23 general practice?</p> <p>24 A. No, I wasn't permitted to.</p> <p>25 Q. Would you --- and that was even</p> | <p style="text-align: right;">Page 156</p> <p>1 possible misconduct of a sexual nature?</p> <p>2 A. Yes.</p> <p>3 Q. And what would you do with the</p> <p>4 notes after a case was closed?</p> <p>5 A. They were usually put right in</p> <p>6 the case file.</p> <p>7 Q. Then based upon your ordinary</p> <p>8 practice would there be notes of what you</p> <p>9 asked Eicher and what he responded to?</p> <p>10 A. There should be.</p> <p>11 Q. Would they be verbatim notes of</p> <p>12 your question and the answer or simply a</p> <p>13 summary?</p> <p>14 A. Usually a summary that --- like</p> <p>15 it would relate to how she's --- the</p> <p>16 stuff that she's doing that would --- and</p> <p>17 sometimes I would leave out different</p> <p>18 words to ---</p> <p>19 Q. Right. But would you be writing</p> <p>20 it down as your contemporaneously with</p> <p>21 your question. You'd write the question</p> <p>22 down and then the answer. You'd write</p> <p>23 the answer down or would you do that at</p> <p>24 the end of the interview?</p> <p>25 A. It depended on the situation.</p> |
| <p style="text-align: right;">Page 155</p> <p>1 with the permission of the officer; is</p> <p>2 that right? You weren't permitted to</p> <p>3 even if you asked the officer?</p> <p>4 A. I was not permitted to have a</p> <p>5 tape recorder device. There were times</p> <p>6 when we were allowed to borrow the</p> <p>7 dictaphone in some cases. But for the</p> <p>8 most part, I wasn't allowed to use the</p> <p>9 tape recorder.</p> <p>10 Q. And why is that?</p> <p>11 A. Security of the institution.</p> <p>12 Superintendent was very specific about</p> <p>13 wearing --- who could use tape recorders.</p> <p>14 Q. He was concerned about, as you</p> <p>15 understood it. He was concerned that if</p> <p>16 you tape recorded something, it might</p> <p>17 leak out?</p> <p>18 A. I'm not sure what his concern</p> <p>19 was. I just know that they were very</p> <p>20 limited.</p> <p>21 Q. Did you take notes?</p> <p>22 A. Yes.</p> <p>23 Q. While --- was it your practice to</p> <p>24 take notes when you interviewed a staff</p> <p>25 member who was being investigated for</p> | <p style="text-align: right;">Page 157</p> <p>1 Most of the time I had my questions</p> <p>2 prepared ahead of time. But if other</p> <p>3 questions came up in the course of the</p> <p>4 interview, I might add extra questions to</p> <p>5 it. And I would generally be somewhat</p> <p>6 brief with what I was writing and then</p> <p>7 would go back after the interview to fill</p> <p>8 in.</p> <p>9 ATTORNEY KRAKOFF:</p> <p>10 What I'd like to do is to</p> <p>11 receive copies --- the interview</p> <p>12 notes of this particular</p> <p>13 interview and any other</p> <p>14 interviews that would be</p> <p>15 pertinent, not only with Lambert</p> <p>16 but with our other people.</p> <p>17 BY ATTORNEY KRAKOFF:</p> <p>18 Q. Now, do you recall whether you</p> <p>19 read a copy, I assume that if you did,</p> <p>20 you wouldn't have attributed it to a</p> <p>21 specific inmate, but I'll ask you that.</p> <p>22 But do you recall whether you read a copy</p> <p>23 of the statement that you received from</p> <p>24 Lisa --- is that Lisa Darzell?</p> <p>25 A. Lazalle.</p> |

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1 Q. Lazalle. Right. Did you read a
2 copy of that to Eicher?
3 A. I don't recall. I don't believe
4 I did.
5 Q. Did you inform Eicher of what
6 Dazell --- Lazalle told you?
7 A. I didn't let him know who it was.
8 Q. Right.
9 A. But he knew the allegations of
10 the specific questions of the
11 investigation.
12 Q. And did you --- do you know who
13 obtained --- this was Lieutenant Scott
14 who obtained the Lazalle statement?
15 A. Correct.
16 Q. Did you talk with Lazalle?
17 A. Yes.
18 Q. When did you talk with her? You
19 were --- on April 8th?
20 A. I can't remember.
21 Q. I think your second paragraph of
22 Exhibit 13, says both of you.
23 A. Right.
24 Q. Did you make a determination of
25 what you thought of Lazalle's demeanor

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1 and her credibility? And if so, is that
2 reflected in any document?
3 A. I don't believe it's reflected in
4 any document. In reflecting back to it,
5 she appeared to be telling the truth.
6 She was willing to make a signed sworn
7 statement.
8 Q. And then you had Eicher who
9 according to the second page of Exhibit
10 13, I think you reached a conclusion that
11 he was telling the truth, as well; is
12 that right?
13 A. Yes. We discussed that earlier.
14 Q. And that was based upon he had
15 good eye contact and he sat with his feet
16 on the floor. He appeared relaxed and
17 answered all questions directly and
18 confidently.
19 Let me ask you. Does sitting
20 with the feet on the floor. What does
21 that --- you mean both of his feet were
22 on the floor?
23 A. Both of his feet were on the
24 floor. He maintained direct eye contact,
25 sat back, was relaxed.

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1 Q. The feet on the floor is an
2 indication of what, truthfulness?
3 A. Yeah, truthfulness.
4 Q. And you were taught that?
5 A. Yes.
6 Q. So you had an inmate witnessing
7 one thing and you had Eicher an officer,
8 saying another. And what did you
9 conclude?
10 ATTORNEY HALLORAN:
11 Let me object to the form
12 of the question. You also had
13 Lambert's version of passing out
14 in the stairwell.
15 ATTORNEY KRAKOFF:
16 Sure. Right.
17 BY ATTORNEY KRAKOFF:
18 Q. You knew that Lisa Lambert really
19 was up to something when she was --- you
20 knew that she was up to something, namely
21 that she was going to an unauthorized
22 area; didn't you?
23 A. I --- she did not ---.
24 Q. You didn't believe any of her
25 story that she had blacked out and didn't

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1 know why she was in the stairwell and
2 that sort of thing?
3 A. That's correct. That's right in
4 my report.
5 Q. So you knew that she was away
6 from her home floor without
7 authorization; didn't you?
8 A. Correct.
9 Q. So didn't that tend to support
10 Lazalle's story that she was going to be
11 meeting somebody or doing something on
12 the 4th floor?
13 A. It would lend credibility to it.
14 Q. Right. So do you recall how it
15 was that you determined to send Eicher on
16 his way with a direction that he be
17 careful around inmates, instead of
18 continuing with this investigation and
19 finding out what this possible
20 relationship was all about?
21 A. I'm not sure if I follow you.
22 Q. Why did you decide not to
23 continue with the investigation?
24 A. Mr. Eicher was denying any
25 activity had taken place, that there was

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1 any type of behavior with him and inmate
2 Lambert. Inmate Lambert denied there was
3 any activity between them. And she was
4 --- the fact that she was lying about how
5 she wound up on the 4th floor of Luder
6 Hall and the circumstances surrounding
7 that, doesn't necessary conclude that
8 there was further activity between her
9 and Officer Eicher.

10 Q. Well, it's not unusual for an
11 inmate who's had --- conducting ---
12 having some sort of prohibited contact
13 with an officer not to tell you that she
14 was engaging in that contact; isn't that
15 a fact?

16 A. Yes, sir. But you're asking me
17 to come to a conclusion on something I
18 only have three subjects to deal with.
19 Inmate Lazalle, inmate Lambert, Officer
20 Eicher. In my opinion, Officer Eicher is
21 telling the truth. Inmate Lazalle is
22 possibly telling the truth. Inmate
23 Lambert is obviously one that has proven
24 by medical documentation that she's
25 lying.

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1 Q. And she was ---

2 A. Modern techniques --- we don't
3 use thumb screws for investigations or --
4 - I have to go with I got. I can't force
5 Officer Eicher to tell me the truth.

6 Q. Right. And she might have been
7 lying when she told you that Eicher and
8 she were --- she and Eicher weren't
9 involved?

10 A. Correct.

11 Q. The only disinterested person
12 there was Lazalle; correct? As far as
13 you knew.

14 A. Yes.

15 ATTORNEY KRAKOFF:

16 I have no other
17 questions. Thank you.

18 * * * * *

19 DEPOSITION CONCLUDED AT 1:25 P.M.

20 * * * * *

21

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23

24

